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**Crime, Policing and Control in Leeds, c.1830-1890**

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**Thesis submitted for the degree of Doctor of Philosophy**

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## **Abstract**

This thesis analyses policing and crime control in nineteenth-century England, through a case study of Leeds. It challenges the notion – central to traditional interpretations of criminal justice history – that the new police forces assumed near-monopolistic control over the governance of crime shortly after their foundation. The opening chapters analyse organisational change in the local police establishment, and explore the condition of the men who served in the force. There follows an extensive discussion of police priorities and the impact of policing upon property crime and street order. This section argues that the new police experienced considerable difficulties in suppressing theft, and that their most tangible successes came in regulating traffic problems, street ‘nuisances’, and offences of recreational excess and moral transgression. The remainder of the thesis explores how the response to crime was shared between state and civil society in the Victorian city. Chapter four reconstructs a patchwork of organisations – including associational, voluntary and private bodies – which were responsible for aspects of urban policing and prosecution in this period. It also, however, begins to explore more dispersed tactics of civilian crime control, by recovering evidence of Victorian domestic and commercial security. The subsequent two chapters continue this enquiry, assessing the civilian contribution to the apprehension of offenders, criminal investigation, and the resolution of criminal encounters, both within and outside the courts. Together, these three chapters reveal how the public were intimately involved in dealing with crime in this period, and how their contributions were variously encouraged and censured by the police and press. The thesis concludes with a broad reassessment of the nineteenth-century ‘police settlement’, and a reflection upon the issues of civilian agency and social relations which it raises.

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## **Abbreviations**

A.P.F.	Association for the Prosecution of Felons
B.O.B.	Beeston Occurrence Book
C.C.L.	Leeds Chief Constable’s Letter Book
C.M.	Leeds Council Minutes
F.O.B.	Farnley Occurrence Book
G.O.	Leeds Police General Orders

H.O.B.	Headingley Occurrence Book
H.W.W.C.	Hunslet West End Watch and Ward Committee Minutes
L.A.P.L.	Local Acts of Parliament of Leeds
L.D.N.	<i>Leeds Daily News</i>
L.L.F.H.L.	Leeds Local & Family History Library
L.M.	<i>Leeds Mercury</i>
L.T.	<i>Leeds Times</i>
M.A.D.F.	Morley and East and West Ardsley Association for the Detection of Felony Minutes
M.M.	Leeds Magistrates' Minutes
P.P.	Parliamentary Papers
R.S.P.C.A.	(Royal) Society for the Prevention of Cruelty to Animals
W.C.	Leeds Watch Committee minutes
W.Y.A.S.	West Yorkshire Archives Service

## **Introduction**

This thesis is a study of crime and policing in a nineteenth-century city. Unlike most research in this field, the current work explores both the traditional subjects of police organisation and practice, and the less formal, civilian-led aspects of crime control and law-enforcement. In this way, it seeks to reorient established perspectives in criminal justice history, posing new questions about the relation between state and society in the Victorian period, and the police role in modern societies more broadly. In order fully to understand its purpose and originality, however, it is necessary first to undertake an extensive review of the current literature on crime and policing.

### **Literature Review: Crime, Police and the State in Modern England**

There has now been over thirty years of highly productive historical research into crime, policing and justice, and no review can any longer claim to be comprehensive.<sup>1</sup> The discussion below aims instead to expose and evaluate a conception of modern policing and crime control which is widely shared amongst historians: the idea of near-exclusive state control over the governance of crime. What follows explores this theme by contrasting accounts of the highly discretionary world of eighteenth-century criminal justice with the police-centred portraits of nineteenth-century law-enforcement. There follows a critique of

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<sup>1</sup> Further stimulating recent reviews include Clive Emsley, 'Filling in, Adding up, Moving on: Criminal Justice History in Contemporary Britain', *Crime, Histoire & Sociétés* 9 (2005), pp.117-138; Chris A. Williams, 'Ideologies, Structures, and Contingencies: Writing the History of British Criminal Justice since 1975', *Revue Française de Civilisation Britannique* 14 (2008), pp.59-84; Bruce P. Smith, 'English Criminal Justice Administration, 1650-1850: a Historiographic Essay', *Law and History Review* 25 (2007), pp.593-634.



this historiographical discontinuity, and the state-centred modernisation narratives which support it. Finally, fragments of an 'alternative' history of nineteenth-century criminal justice are pieced together from existing scholarship, touching on a collection of interrelated research areas. These latter studies invite a series of research questions which this thesis seeks to address.

### *From Golden Age to Policed Society*

Several reviews of the historiography of crime and police organise scholars into discrete groups, with supposedly shared ideological presuppositions. These studies chart the work of radical historians of crime and justice in the 1970s, followed by that of their critics in the 1980s and 1990s.<sup>2</sup> Such accounts helpfully foreground common historiographical developments in research covering different periods; this review, however, shows that scholars of the eighteenth and nineteenth centuries have approached their subjects in fundamentally distinct ways. In essence, the division between them hinges on long-standing assumptions about the role of the police in law-enforcement: the foundational literature in this field treats eighteenth-century England as an 'unpoliced' society, while crediting the new police forces of the nineteenth century with substantive control over legal discipline. Hence although there are parallels in the course of debates within these two fields of

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<sup>2</sup> An earlier camp of 'whiggish' historians is sometimes also included. For exemplars of this approach, see Cyril D. Robinson, 'Ideology as History: a Look at the Way Some English Police Historians Look at the Police', *Police Studies* 2 (1979), pp.35-49; David Philips, "'A Just Measure of Crime, Authority, Hunters and Blue Locusts': the 'Revisionist' Social History of Crime and the Law in Britain, 1780-1850" in Stanley Cohen and Andrew Scull (eds), *Social Control and the State: Historical and Comparative Essays*, Oxford: Martin Robertson, 1983, pp.50-74; Robert Reiner, *The Politics of the Police*, 1985, Oxford: Oxford University Press, fourth edition 2010, chapter two; Clive Emsley, *The English Police: a Political and Social History*, 1991, Harlow: Addison Wesley Longman, second edition 1996, pp.3-6; Barry S. Godfrey and Paul Lawrence, *Crime and Justice 1750-1950*, Cullompton: Willan Publishing, 2005, pp.56-58.

criminal justice history, these debates have either been conducted upon subtly divergent terms, or even concerning separate subjects altogether. What follows exposes this elemental distinction from contrasting scholarly treatments of three key subjects: the interpretation of criminal statistics; the effects of discretion upon law-enforcement; and popular attitudes towards the criminal justice system.

In the study of criminal statistics, analysts are tasked with discerning ‘real’ trends in law-breaking from the autonomous ‘control’ effect of law-enforcement. For historians of the eighteenth century, the central ‘control’ variable is the propensity of victims of crime to prosecute. John Beattie, who offered the first extensive analysis of crime rates in this period, recognised that indictment rates were the product of complex negotiations between criminals and victims, and so vulnerable to distortion by variations in prosecutorial practice.<sup>3</sup> He resolved, however, that long-term studies could nonetheless uncover the deep structural factors which influenced criminal offending, including the impact of war, economic performance and the urban environment.<sup>4</sup> For Douglas Hay – who made similar points in his study of indictment rates – the absence of professional police forces safeguarded eighteenth-century statistics against gross misrepresentation by ‘control’ factors or political manipulation.<sup>5</sup> Others, however, emphasised the impact of prosecutorial decision-making on indictment rates. Peter King argued that the ‘dark figure’ of unreported crime was so substantial in this period that even small changes in victims’ willingness to prosecute would leave a telling impression upon the historical record.<sup>6</sup> On this basis, he

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<sup>3</sup> J.M. Beattie, *Crime and the Courts in England 1660-1800*, Oxford: Oxford University Press, 1986, pp.199-202. For his initial reflections upon potential distortions in the data, see J.M. Beattie, ‘The Pattern of Crime in England 1660-1800’, *Past and Present* 62 (1974), pp.53-57.

<sup>4</sup> Beattie, *Crime and the Courts*, chapter five.

<sup>5</sup> Douglas Hay, ‘War, Dearth and Theft in the Eighteenth Century: the Record of the English Courts’, *Past and Present* 95 (1982), pp.150-52.

<sup>6</sup> Peter King, *Crime, Justice and Discretion in England 1740-1820*, Oxford: Oxford University Press, 2000, pp.130-34.

disputed any straightforward connection between dearth and theft in this period,<sup>7</sup> and even used indictment rates to chart changing public attitudes towards particular classes of criminal.<sup>8</sup> Historians thus divide over the extent to which fluctuations in indictment rates reflect changes in criminal offending or prosecutorial response.

While students of nineteenth century crime rates have grappled with similar issues, they have been preoccupied by a quite different ‘control’ effect – the impact of changes in police policy. Faced with this dilemma, Vic Gatrell concluded that rising crime rates in the first half of the century resulted from the intensification of police control, while the subsequent decline was evidence of a real recession in law-breaking.<sup>9</sup> While acknowledging the potential for police manipulation of the statistics,<sup>10</sup> Gatrell rejected this possibility in the final analysis. By contrast, Howard Taylor enthusiastically embraced the prospect of political interference, asserting that nineteenth-century crime rates were rationed by a cost-sensitive Exchequer, and by police chiefs concerned to present impressive ‘clear-up’ rates.<sup>11</sup> There is no consensus over the veracity of Taylor’s argument,<sup>12</sup> yet most scholars maintain that police discretion was a major factor in shaping

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<sup>7</sup> King, *Crime, Justice and Discretion*, chapter five.

<sup>8</sup> See for example Peter King, ‘The Rise of Juvenile Delinquency in England 1780-1840: Changing Patterns of Perception and Prosecution’ in his *Crime and the Law in England, 1750-1840: Remaking Justice from the Margins*, Cambridge: Cambridge University Press, 2006, pp.106-110; Peter King and Joan Noel, ‘The Origins of “The Problem of Juvenile Delinquency”: the Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries’, *Criminal Justice History* 14 (1993), pp.29-30.

<sup>9</sup> V.A.C. Gatrell and T.B. Hadden, ‘Criminal Statistics and their Interpretation’ in E.A. Wrigley (ed.), *Nineteenth-Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data*, Cambridge: Cambridge University Press, 1972, pp.373-74; V.A.C. Gatrell, ‘The Decline of Theft and Violence in Victorian and Edwardian England’ in V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds), *Crime and the Law: the Social History of Crime in Western Europe since 1500*, London: Europa Publications, 1980, pp.238-370.

<sup>10</sup> See Gatrell, ‘Decline of Theft and Violence’, pp.247-48.

<sup>11</sup> Howard Taylor, ‘Rationing Crime: the Political Economy of Criminal Statistics since the 1850s’, *Economic History Review* 51 (1998), pp.569-590.

<sup>12</sup> For a sober critique, see Robert M. Morris, “‘Lies, Damned Lies and Criminal Statistics’: Reinterpreting the Criminal Statistics in England and Wales’, *Crime, Histoire & Sociétés* 5 (2001), pp.111-127.

the statistical record.<sup>13</sup> Despite their differences, historians interpret nineteenth-century criminal statistics by distinguishing the 'real' level of crime from the 'control' effect of policing; absent from these accounts is any sustained discussion of the victim's role in deploying the criminal law, which colours assessments of eighteenth-century indictment rates.

Underlying these divergent views of the 'control' factor are contrary assessments of the location of discretion in the criminal justice process. Scholars of the eighteenth century have long emphasised the importance of decision-making by various parties, including the private prosecutor. Prosecutors came from almost all ranks of eighteenth-century society, but especially the middling sorts, who made extensive use of the criminal law.<sup>14</sup> Furthermore, those who have explored the summary courts have demonstrated that the labouring poor acted as prosecutors more often than previously thought.<sup>15</sup> With the discretion to prosecute came power. Hay pointed to the opportunities for malicious prosecution, which allowed the lower orders to prosecute their betters in certain circumstances.<sup>16</sup> Moreover, in an age of private prosecution, victims were afforded impressive control over the resolution of their own criminal encounters. Instead of going to law, they frequently resorted to a broad selection of alternative sanctions.<sup>17</sup> Prosecution was thus the exception rather than the norm; according to one historian, 'the victim had

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<sup>13</sup> See for example S.J. Davies, 'Classes and Police in Manchester 1829-1880' in Alan J. Kidd and K.W. Roberts (eds), *City, Class and Culture: Studies of Social Policy and Cultural Production in Victorian Manchester*, Manchester: Manchester University Press, 1985, pp.35-38; Chris A. Williams, 'Counting Crimes or Counting People: Some Implications of Mid-Nineteenth Century British Police Returns', *Crime, Histoire & Sociétés* 4 (2000), pp.77-93.

<sup>14</sup> Peter King, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800', *The Historical Journal* 27 (1984), pp.29-34; King, *Crime, Justice and Discretion*, 35-39; Beattie, *Crime and the Courts*, pp.8-10, 193-96.

<sup>15</sup> Peter King, 'The Summary Courts and Social Relations in Eighteenth-Century England', *Past and Present* 183 (2004), pp.144-46.

<sup>16</sup> Douglas Hay, 'Prosecution and Power: Malicious Prosecution in the English Courts, 1750-1850' in Douglas Hay and Francis Snyder (eds), *Policing and Prosecution in Britain 1750-1850*, Oxford: Clarendon Press, 1989, pp.354-360.

<sup>17</sup> Beattie, *Crime and the Courts*, pp.39-40; King, *Crime, Justice and Discretion*, pp.22-27.

immense freedom of manoeuvre' in settling criminal matters outside of court.<sup>18</sup> Many have thus concluded that the eighteenth century hosted a highly participatory and discretionary process of law-enforcement.

Discretion also features in accounts of crime control in the nineteenth century, yet it is basically confined to the ranks of the new police. While a few pioneering scholars risked reducing policemen almost to slavish automatons of their employers, a whole generation of subsequent historians have characterised the ordinary constable as discretionary law-enforcer. They have uncovered substantial evidence of beat-level compromises, which often subverted the intentions of legislators and police chiefs.<sup>19</sup> Furthermore, this realisation that the character of policing depended upon the attitudes of the rank-and-file has fuelled a wave of scholarship on the social history of policemen themselves. Considerable attention has thus been devoted to their outlook and occupational culture, as well as their terms of employment, working conditions and so forth.<sup>20</sup> This area of enquiry has become a specialist field in its own right, attracting scholars interested as much in labour relations as policing itself. Nevertheless, much scholarship on the beat constable

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<sup>18</sup> King, *Crime, Justice and Discretion*, p.17.

<sup>19</sup> See especially Stephen Inwood, 'Policing London's Morals: the Metropolitan Police and Popular Culture, 1829-50', *The London Journal* 15 (1990), pp.129-146; Andrew Davies, 'The Police and the People: Gambling in Salford, 1900-1939', *The Historical Journal* 34 (1991), pp.90-99; Stefan Petrow, *Policing Morals: the Metropolitan Police and the Home Office 1870-1914*, Oxford: Clarendon Press, 1994, chapters 5-10.

<sup>20</sup> Carolyn Steedman, *Policing the Victorian Community: the Formation of English Provincial Police Forces, 1856-80*, London: Routledge and Kegan Paul, 1984; Emsley, *English Police*, chapters 9-10; Haia Shpayer-Makov, *The Making of a Policeman: a Social History of a Labour Force in Metropolitan London, 1829-1914*, Aldershot: Ashgate, 2002; Mark Clapson and Clive Emsley, 'Street, Beat and Respectability: the Culture and Self-Image of the Late Victorian and Edwardian Urban Policeman', *Criminal Justice History* 16 (2002), pp.107-131; Paul Lawrence, '"Images of Poverty and Crime". Police Memoirs in England and France at the End of the Nineteenth Century', *Crime, Histoire & Sociétés* 4 (2000), pp.63-82; Paul Lawrence, '"Scoundrels and Sclawbags, and Some Honest Men..." Memoirs and the Self-Image of French and English Policemen, c.1870-1939' in Barry S. Godfrey, Clive Emsley and Graeme Dunstall (eds), *Comparative Histories of Crime*, Cullompton: Willan Publishing, 2003, pp.125-144; Joanne Klein, *Invisible Men: the Secret Lives of Police Constables in Liverpool, Manchester, and Birmingham, 1900-1939*, Liverpool: Liverpool University Press, 2010.

remains guided by the assumption that discretion in the criminal justice process was transferred from victim to policeman in the early nineteenth century.

Lastly, visions of the nineteenth-century transformation in criminal justice are embedded in research on popular reactions and responses to it. Scholars of the eighteenth century take as their subject attitudes towards the criminal law itself. Early research into the Game Laws and hanging rituals highlighted points of conflict between the labouring poor and elite administrators of justice.<sup>21</sup> Subsequent critics, however, took issue with this fixation on 'protest' crime and class injustice: John Brewer and John Styles argued that popular indignation centred not on the law *per se*, but on the failure of elite figures to respect restrictions to their personal authority.<sup>22</sup> Meanwhile, the discovery that labouring people made substantial use of the law led some to argue that popular hostility was more moderate than first thought.<sup>23</sup> Indeed, over the years, historians became increasingly cautious, recognising that attitudes towards the law were volatile and contradictory; if anything, cynicism rather than hostility was the most common sentiment.<sup>24</sup>

Studies of popular responses to law-enforcement in the nineteenth century, by contrast, dwell overwhelmingly on attitudes towards the police. Again, much early scholarship pointed up antagonism and conflict. Robert Storch uncovered radical political opposition to the new forces, anti-police riots in the industrial north, and the prevalence of

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<sup>21</sup> Douglas Hay, 'Poaching and the Game Laws on Cannock Chase' and Peter Linebaugh, 'The Tyburn Riot Against the Surgeons', both in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, London: Penguin, 1975, pp.189-253 and 65-117 respectively; E.P. Thompson, *Whigs and Hunters: the Origin of the Black Act*, 1975, Harmondsworth: Penguin, paperback edition 1977.

<sup>22</sup> John Brewer and John Styles, 'Introduction' in John Brewer and John Styles (eds), *An Ungovernable People: the English and their Law in the Seventeenth and Eighteenth Centuries*, London: Hutchinson, 1980, pp.15-18. See also Thompson, *Whigs and Hunters*, pp.262-66.

<sup>23</sup> John H. Langbein, 'Albion's Fatal Flaws', *Past and Present* 98 (1983), pp.101-105; King, 'Decision-Makers and Decision-Making', pp.29-34, 52-56. See also David Philips, *Crime and Authority in Victorian England: the Black Country 1835-60*, London: Croom Helm, 1977, pp.127-29, 285-86.

<sup>24</sup> See King, *Crime, Justice and Discretion*, pp.365-67.

assaults on police officers in this period.<sup>25</sup> Gatrell maintained this decided focus upon hatred and hostility, reading the late-nineteenth-century decline of assaults on policemen as reflecting the triumph of repression rather than the flowering of consent.<sup>26</sup> Others, however, maintained that police-public relations were far more complex than this. Carolyn Steedman argued that vicious antagonism was fairly muted, while contempt pervaded working-class attitudes towards the police.<sup>27</sup> More decisively, Clive Emsley argued that attitudes must have been contingent and contradictory, given the diversity of police duties.<sup>28</sup> Furthermore, a growing appreciation of police discretion and operational restraint has led some to assert that 'policing by consent' was in large measure achieved by the late nineteenth century.<sup>29</sup> In broad terms, this intellectual progression mirrors increasingly nuanced interpretations of popular attitudes towards the eighteenth-century criminal law; the key difference is that the police, rather than the law itself, is the subject of debate.

We are thus faced with two distinct bodies of scholarship. While there are parallels in interpretation, the objects of interpretation are profoundly different. The above studies present the eighteenth century as an age of participatory, discretionary justice, in the absence of professional police forces.<sup>30</sup> For Hay, this situation made the bloody code a key means of maintaining order: '[i]n place of police...propertied Englishmen had a fat and

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<sup>25</sup> Robert D. Storch, 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History* 20 (1975), pp.61-90; Robert D. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880', *Journal of Social History* 9 (1976), pp.502-508.

<sup>26</sup> V.A.C. Gatrell, 'Crime, Authority and the Policeman-State' in F.M.L. Thompson (ed.), *The Cambridge Social History of Britain*, volume three, Cambridge: Cambridge University Press, 1990, pp.282-87.

<sup>27</sup> Steedman, *Policing the Victorian Community*, pp.67-68.

<sup>28</sup> Clive Emsley, *Policing and its Context, 1780-1870*, London: Macmillan Press, 1983, pp.151-160; Emsley, *English Police*, pp.78-84.

<sup>29</sup> David Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict and Control*, Manchester: Manchester University Press, 1997, chapter four, p.138.

<sup>30</sup> See further Joanna Innes and John Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', *Journal of British Studies* 25 (1986), pp.403-406.

swelling sheaf of laws which threatened thieves with death.’<sup>31</sup> Thus the business of law-enforcement – prosecution, but also identifying suspects and tracing stolen property – was delegated substantively to victims of crime themselves.<sup>32</sup> David Jones’s assertion that, in pre-industrial Wales, ‘the victim of crime was his or her own “policeman”’, is thus quite typical.<sup>33</sup> This is a body of work which separates law-enforcement from police activity, thrusting the victim centre-stage in the administration of justice. The result is a view of the eighteenth century as ‘the golden age of discretionary justice’.<sup>34</sup> Yet this settlement mutates as we approach the nineteenth century. Processes of law-enforcement are no longer the object of attention, but instead a particular state institution – the new police – dominates the historiographical landscape. It is to this critical discontinuity in the chronology of criminal justice history which we now turn.

### *The State Monopolisation Thesis*

Historians of crime in the eighteenth and nineteenth centuries inhabit, as it were, two distinct mental worlds. Following the arrival of the new police, the terms of historical reference are abruptly transformed. Indeed, scholars concerned with the 1830s onwards lavish such attention on the police that one might well wonder what happened to the victim, who loomed so large in discussions of eighteenth-century law-enforcement. To put it another way, the police serve for Victorianists as the vehicle for historiographical concerns which the criminal law fulfils for scholars of the eighteenth century. Popular attitudes

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<sup>31</sup> Douglas Hay, ‘Property, Authority and the Criminal Law’ in Hay et al., *Albion’s Fatal Tree*, p.18.

<sup>32</sup> See Beattie, *Crime and the Courts*, pp.35-38; King, *Crime, Justice and Discretion*, pp.20-22.

<sup>33</sup> David J.V. Jones, *Crime in Nineteenth-Century Wales*, Cardiff: University of Wales Press, 1992, p.202.

<sup>34</sup> King, *Crime, Justice and Discretion*, p.1.



towards the law make way for working-class views of the police; the social functions of law give way to the social impact of the police; judicial and prosecutorial discretion are replaced by police discretion. In this way, historical attention shifts from popular participation in processes of law-enforcement and discretionary control over crime to a preoccupation with police organisation and practice.<sup>35</sup>

The divergent priorities of crime historians rest, then, upon the notion that the new police quickly assumed the task of law-enforcement. This depends in turn upon police control over the criminal prosecution: for the likes of Hay, the rise of police prosecution was crucial in dividing Victorian criminal justice from the preceding era.<sup>36</sup> The timing and consequences of the transition from private to police prosecution, however, remain poorly understood, prompting calls for further research.<sup>37</sup> Existing studies, however, suggest that the police had assumed control of most theft prosecutions only by the 1880s, and that charges of common assault were still routinely handled by private individuals late into the century. Police prosecution developed only piecemeal, and there remained a significant role for victims of crime in bringing cases before magistrates (see further below, chapter six). Such chequered development reveals the rather thin empirical basis for the shifting terms of historical reference from the early nineteenth century.

In fact, the overriding focus on the new police reflects an underlying assumption that progressive state control over crime and law-enforcement was a key part of the

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<sup>35</sup> Similar observations are made in Miles Taylor, 'The Beginnings of Modern British Social History?', *History Workshop Journal* 43 (1997), pp.165-66, although Taylor's analysis of the root causes of this divergence differs from mine.

<sup>36</sup> Douglas Hay and Francis Snyder, 'Using the Criminal Law, 1750-1850: Policing, Private Prosecution and the State' in Hay and Snyder (eds), *Policing and Prosecution*, pp.43-47.

<sup>37</sup> See Douglas Hay, 'The Criminal Prosecution in England and its Historians', *The Modern Law Review* 47 (1984), p.9; Clive Emsley, 'Albion's Felonious Attractions: Reflections upon the History of Crime in England' in Clive Emsley and Louis A. Knafla (eds), *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*, Westport, CT: Greenwood Press, 1996, p.76; Smith, 'English Criminal Justice Administration', p.621.

modernisation process. The 1960s and 1970s witnessed a flurry of Marxist-inspired sociological theorising on the state monopolisation of crime control in the transition to industrial capitalism. Allan Silver – whose trailblazing essay was much cited by early social historians of crime – argued that the role of the modern police was to relieve private citizens of the burden of law-enforcement, and impose an impersonal regime of discipline more appropriate to an emergent class society.<sup>38</sup> Similarly, Steven Spitzer and Andrew Scull argued that the formation of capitalist market relations in the early nineteenth century swept away the communal social relations which had sustained eighteenth-century criminal justice, and called forth heightened demands for public order and preventative policing.<sup>39</sup>

As a result, Spitzer explained, the modern criminal justice system was born:

Under the spur of the rationalization process, proprietary, hereditary, and other pre-bureaucratic forms of indirect rule were gradually replaced by hierarchically organized “public” organizations. These organizations, which came to include what we know today as the criminal justice system, were specially designed to achieve a more thorough and effective penetration of subject populations and to remain more responsive to the dictates of central authority.<sup>40</sup>

Meanwhile, criminologist Nils Christie argued that industrialisation sapped ordinary people of the capacity to control their own criminal encounters, or participate in the governance of social life more generally:

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<sup>38</sup> Allan Silver, ‘The Demand for Order in Civil Society: a Review of Some Themes in the History of Urban Crime, Police, and Riot’ in David J. Bordua (ed.), *The Police: Six Sociological Essays*, New York, NY: John Wiley & Sons, 1967, pp.9-12.

<sup>39</sup> Steven Spitzer and Andrew T. Scull, ‘Social Control in Historical Perspective: from Private to Public Responses to Crime’ in David F. Greenberg (ed.), *Corrections and Punishment*, London: Sage Publications, 1977, pp.266-68, 276-283.

<sup>40</sup> Steven Spitzer, ‘The Rationalization of Crime Control in Capitalist Society’, *Contemporary Crises* 3 (1979), p.200.

Highly industrialised societies face major problems in organising their members in ways such that a decent quota take part in any activity at all...In this perspective, it will easily be seen that [criminal] conflicts represent a *potential for activity, for participation*. Modern criminal control systems represent one of the many cases of lost opportunities for involving citizens in tasks that are of immediate importance to them. Ours is a society of task-monopolists.<sup>41</sup>

Pioneering historians of crime imbibed these narratives of modernisation, rationalisation and monopolisation, which soon became embedded in social histories of criminal justice. The idea that the modern state assumed progressive control over the response to crime – to the exclusion of the civilian public – formed part of the discipline's early common sense. Bruce Lenman and Geoffrey Parker thus plotted the transition from 'community' to 'state' law in Europe, driven by progressive urbanisation, the erosion of 'face-to-face' communities, and the growing gulf between rich and poor.<sup>42</sup> This process came to fruition, they argued, with the expansion of state authority after the French Revolution: through sweeping reforms in policing and punishment, 'the state's control over the everyday lives of its subjects...grew ever closer'.<sup>43</sup> Dealing specifically with England, Douglas Hay and Francis Snyder agreed that the growth of police, and their supposed assumption of the power to prosecute, nurtured an increasingly intrusive state:

The broad purposes of Peel and Chadwick were ultimately realised, and it is incontestable that they advocated a new kind of state power: rationally planned, publicly funded, bureaucratically controlled, centrally directed, and reaching into every neighbourhood which might secrete crime and disorder...Control of prosecution means in large measure control of the power embodied in the criminal law. The police came largely to control prosecution: the issue henceforth was to be who controlled the police.<sup>44</sup>

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<sup>41</sup> Nils Christie, 'Conflicts as Property', *The British Journal of Criminology* 17 (1977), p.7, original emphasis.

<sup>42</sup> Bruce Lenman and Geoffrey Parker, 'The State, the Community and the Criminal Law in Early Modern Europe' in Gatrell, Lenman and Parker (eds), *Crime and the Law*, pp.34-38.

<sup>43</sup> Lenman and Parker, 'Community and the Criminal Law', p.44.

<sup>44</sup> Hay and Snyder, 'Using the Criminal Law', p.51.

Finally, Gatrell charted the formation of the nineteenth-century police bureaucracy – the ‘policeman-state’ – which assumed an ever-increasing capacity to identify and target new objects of power.<sup>45</sup> In the process, it vanquished private and communal alternatives to its own supremacy:

as the [nineteenth] century wore on the English judicial system came very near to as total a regulation of even petty – let alone serious – deviance as has ever been achieved. A professional police and in some urban centres a professional magistracy were diminishing the opportunities for informal justice and extra-judicial settlement of the kind so common in earlier eras.<sup>46</sup>

While these historians communicated the state monopolisation thesis most directly and enthusiastically, they were not alone in propping up the broad notion of growing state control over crime. Despite unearthing considerable evidence of informal sanctions and communal justice in nineteenth-century Wales, Jones likewise concluded that ‘the business of dealing with crime passed out of the people’s hands’ in this period.<sup>47</sup> In fact, the same basic argument has been made by prominent critics of Hay and Gatrell. According to Emsley, ‘[t]he development of bureaucratic, professional policing in the century and a half following 1829 also saw a marked decline in public vigilance and participation in the pursuit of offenders...the detection and prevention of crime had become their [the police’s] job as the professionals.’<sup>48</sup> From the other side of the watershed, King asserted that ‘eighteenth-century victims of property crime were less constrained than their nineteenth-

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<sup>45</sup> Gatrell, ‘Policeman-State’, pp.257-260.

<sup>46</sup> Gatrell, ‘Decline of Theft and Violence’, p.244.

<sup>47</sup> Jones, *Crime in Nineteenth-Century Wales*, p.29.

<sup>48</sup> Emsley, *English Police*, p.259.

century counterparts'.<sup>49</sup> Thus, across the broad spectrum of historiographical opinion, there holds a common view of the nineteenth century as an era of decisive change, of transition from the traditional (communal) to modern (police) apparatus of crime control.

This fixation with the state marks out the study of criminal justice amongst neighbouring fields in nineteenth-century social history.<sup>50</sup> A great deal of research in other areas has demonstrated the extensive role of voluntary institutions and private individuals in responding to social problems.<sup>51</sup> For some, these insights follow most readily from Michel Foucault's theory of 'governmentality', which invites an analysis of civil society and the state working as a unit rather than in isolation.<sup>52</sup> In the history of poverty and welfare, for instance, considerable effort has been devoted to recovering how the poor law was supplemented by a whole 'economy of makeshifts', comprising personal saving, family assistance, charitable provision and mutual support.<sup>53</sup> This kind of work allows a more nuanced account of changes in welfare provision – including the enlargement and specialisation of state provision from the late nineteenth century onwards – which does not rely on the teleological props of 'whiggish' histories. Reviewing this productive area of

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<sup>49</sup> King, *Crime, Justice, and Discretion*, p.355.

<sup>50</sup> Martin J. Wiener fails to notice this contrast in his analysis of the shifting priorities of modern social history: 'The Unloved State: Twentieth-Century Politics in the Writing of Nineteenth-Century History', *Journal of British Studies* 33 (1994), pp.297-304.

<sup>51</sup> For helpful overviews see Pat Thane, 'Government and Society in England and Wales, 1750-1914' in Thompson (ed.), *Cambridge Social History*, volume three, pp.1-2, 34-37, 45-47; Peter Mandler, 'Introduction: State and Society in Victorian Britain' in Peter Mandler (ed.), *Liberty and Authority in Victorian Britain*, Oxford: Oxford University Press, 2006, pp.9-13, 18-21; Simon Devereaux, 'The Historiography of the English State during "the Long Eighteenth Century": Part I – Decentralised Perspectives', *History Compass* 7 (2009), pp.749-751.

<sup>52</sup> Peter Baldwin, 'The Victorian State in Comparative Perspective' in Mandler (ed.), *Liberty and Authority*, pp.52-54, 66.

<sup>53</sup> M.A. Crowther, 'Family Responsibility and State Responsibility in Britain before the Welfare State', *The Historical Journal* 25 (1982), pp.131-145; Ellen Ross, 'Survival Networks: Women's Neighbourhood Sharing in London before World War I', *History Workshop Journal* 15 (1983), pp.4-28; David Vincent, *Poor Citizens: the State and the Poor in Twentieth-Century Britain*, Harlow: Longman, 1991, pp.5-22; Alan Kidd, *State, Society and the Poor in Nineteenth-Century England*, Basingstoke: Macmillan, 1999.

scholarship, Alan Kidd thus interprets the modern evolution of relief systems as shifts within the 'mixed economy of welfare', rather than the steady rise of the welfare state.<sup>54</sup>

By contrast, histories of crime from the early nineteenth century onwards are dominated by state systems of policing and punishment. Recent studies have foregrounded local initiative in criminal justice reform, helpfully supplementing the familiar legislative narrative,<sup>55</sup> yet the story of how crime was dealt with in practice remains a tale of policemen, magistrates and gaolers. The consequent disparity with other branches of social history was clearly visible in the 1990 *Cambridge Social History of Britain*. While many essays in this collection rejected state-centred approaches,<sup>56</sup> Gatrell's treatment of crime remained fixated with the state apparatus of surveillance and control.<sup>57</sup> Although the author advanced his own distinctive interpretation, his overriding focus on state institutions in itself reflected a structural imbalance in criminal justice history.

While the literature remains skewed in this way, recent work on policing *before* the new police challenges the conventional narrative of police monopolisation. Following the lead of John Styles and Ruth Paley,<sup>58</sup> numerous scholars have exposed eighteenth-century police reform initiatives in unprecedented detail. Research on London suggests that

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<sup>54</sup> Alan Kidd, 'Civil Society or the State? Recent Approaches to the History of Voluntary Welfare', *Journal of Historical Sociology* 15 (2002), pp.328, 339-340. See also Geoffrey Finlayson, 'A Moving Frontier: Voluntarism and the State in British Social Welfare 1911-1949', *Twentieth-Century British History* 1 (1990), pp.183-206.

<sup>55</sup> See especially David Philips and Robert D. Storch, *Policing Provincial England, 1829-1856: the Politics of Reform*, London: Leicester University Press, 1999; Peter King, 'Shaping and Remaking Justice from the Margins. The Courts, the Law and Patterns of Law-Breaking 1750-1840' in his *Remaking Justice from the Margins*, pp.1-69.

<sup>56</sup> Most strikingly in Frank Prochaska's essay on charity, which stood in place of a study of the poor laws and welfare state: 'Philanthropy' in Thompson (ed.), *Cambridge Social History*, volume three, pp.357-393. See further Wiener, 'Unloved State', pp.304-307.

<sup>57</sup> Gatrell, 'Policeman-State', pp.243-310.

<sup>58</sup> John Styles, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society*, fifth series, 33 (1983), pp.127-149; Ruth Paley, "'An Imperfect, Inadequate and Wretched System"? Policing London before Peel', *Criminal Justice History* 10 (1989), pp.95-130.

efficient and sophisticated police organisations preceded the Metropolitan Police,<sup>59</sup> prompting some to backdate the narrative of police monopolisation: Robert Shoemaker argued that the apprehension of thieves became primarily a police responsibility in the final quarter of the eighteenth century, while Bruce Smith asserted that police officers had assumed control over prosecution by the early nineteenth century.<sup>60</sup> From a provincial perspective, David Lemmings has reinterpreted the long eighteenth century as an era of declining popular participation in the legal process; by 1800, he contends, systems of governance and law-enforcement were in large measure controlled by professionals, and informed increasingly by parliamentary statute rather than common law traditions.<sup>61</sup> There are good grounds for disputing such broad claims, especially (Lemmings aside) as much of this work is based exclusively on particular parts of London.<sup>62</sup> Nonetheless, these revisions to the 'classic' view of eighteenth-century law-enforcement outlined above throw the significance of nineteenth-century police reforms into question.

Meanwhile, students of contemporary policing have charted the pluralisation of crime control responsibilities since the 1970s. According to David Garland, the state has increasingly sought to co-ordinate the activities of commercial security providers, community organisations and private individuals, in response to escalating crime rates and

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<sup>59</sup> Elaine A. Reynolds, *Before the Bobbies: the Night Watch and Police Reform in Metropolitan London, 1720-1830*, Basingstoke: Macmillan, 1998; Andrew T. Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840*, Columbus, OH: Ohio State University Press, 2004; J.M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*, Oxford: Oxford University Press, 2001.

<sup>60</sup> Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England*, London: Hambledon Continuum, 2004, chapter two; Bruce P. Smith, 'The Emergence of Public Prosecution in London, 1790-1850', *Yale Journal of Law & the Humanities* 18 (2006), pp.29-62; Bruce P. Smith, 'The Myth of Private Prosecution in England, 1750-1850' in Markus D. Dubber and Lindsay Farmer (eds), *Modern Histories of Crime and Punishment*, Stanford, CA: Stanford University Press, 2007, pp.151-174.

<sup>61</sup> David Lemmings, *Law and Government in England during the Long Eighteenth Century: from Consent to Command*, Basingstoke: Palgrave Macmillan, 2011.

<sup>62</sup> For a partial critique of Smith's thesis, see Norma Landau, 'Summary Conviction and the Development of the Penal Law', *Law and History Review* 23 (2005), pp.173-189.

a growing appreciation of its own limitations.<sup>63</sup> While Garland's work is perhaps the most widely read, it is but one statement of a widely-accepted narrative.<sup>64</sup> By tracing this development back to the 1950s, others have trampled more substantively on orthodox interpretations of police history.<sup>65</sup> Such considerations have even led some scholars to retreat from the concept of 'policing' itself, in an attempt to escape the traditional state-centrism of criminology.<sup>66</sup> Given these shifting interpretations of the police role in the eighteenth and twentieth centuries, it is clearly an opportune moment to reconsider the questionable assumptions which continue to guide scholarship on the new police.

Besides its present historiographical incongruity, the state monopolisation thesis is in itself an inherently unstable argument. Total state control over crime is an impossibility – as much today as a hundred years ago – hence Hay's or Gatrell's strident arguments are in fact ones of degree. The so-called 'dark figure' of unreported crime is testament in all times and places to innumerable independent refusals to grant the authorities jurisdiction over particular offences (and so offenders) for a variety of reasons.<sup>67</sup> Perhaps for this reason, Gatrell ventured further to argue that the dark figure gradually receded from the mid-nineteenth century: 'in the long term the gap between recorded and actual indictable crime *narrowed*, and narrowed at an acceptably constant rate...we may assert it as a

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<sup>63</sup> David Garland, 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society', *The British Journal of Criminology* 36 (1996), pp.445-471. See further David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford: Oxford University Press, 2001.

<sup>64</sup> See also Robert Reiner, 'Policing a Postmodern Society', *The Modern Law Review* 55 (1992), pp.761-781; David H. Bayley and Clifford D. Shearing, 'The Future of Policing', *Law & Society Review* 30 (1996), pp.585-606; Adam Crawford, 'The Pattern of Policing in the UK: Policing Beyond the Police' in Tim Newburn (ed.), *Handbook of Policing*, Cullompton: Willan Publishing, 2003, pp.136-168.

<sup>65</sup> Trevor Jones and Tim Newburn, 'The Transformation of Policing? Understanding Current Trends in Policing Systems', *The British Journal of Criminology* 42 (2002), pp.129-146.

<sup>66</sup> See for example Trevor Jones, 'The Governance of Security: Pluralisation, Privatisation, and Polarisation in Crime Control' in Mike Maguire, Rod Morgan and Robert Reiner (eds), *The Oxford Handbook of Criminology*, 1994, Oxford: Oxford University Press, fourth edition 2007, pp.841-865.

<sup>67</sup> A leading expert's best guess is that there are today eleven crimes committed for every one reported to the authorities: Mike Maguire, 'Crime Data and Statistics' in Maguire, Morgan and Reiner (eds), *Handbook of Criminology*, fourth edition, pp.272-73.



principle...that the rate of recorded crime crept ever closer to the rate of actual crime.’<sup>68</sup>

Whatever one’s views of the accuracy of the criminal statistics, the erosion of the dark figure is a necessary consequence of enhanced state control over crime. It is therefore worth stressing that Gatrell’s assertion is pure speculation. It holds water only in that it accords with his broader view of the police monopolisation of crime control (it is in fact inferred from that more general claim). The moment we reject the central narrative, however, the dark figure returns to haunt the analysis; in reality, of course, it never went away.

Several scholars recognise that a re-assessment of the nineteenth-century police settlement is long overdue. Michael Ignatieff argued that early historians were lured into an almost exclusive focus on the state by its mythical monopoly over punitive practice. He understood that histories of punishment – like those of police – were locked into a simplistic dichotomy between the pre-modern and the modern, the ‘customary’ and the ‘bureaucratic’.<sup>69</sup> In response, he urged researchers to look beyond state institutions:

We have always known that prisons and the courts handled only a tiny fraction of delinquency known to the police – now we must begin, if we can, to uncover the network which handled the ‘dark figure’[,] which recovered stolen goods, visited retribution on known villains, demarcated the respectable and hid the innocent and delivered up the guilty.<sup>70</sup>

David Sugarman’s analysis of private law in the same volume made parallel criticisms,<sup>71</sup> and in time other leading scholars came to bemoan the paucity of research on informal,

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<sup>68</sup> Gatrell, ‘Decline of Theft and Violence’, pp.250-51, original emphasis.

<sup>69</sup> Michael Ignatieff, ‘State, Civil Society and Total Institution: a Critique of Recent Social Histories of Punishment’ in David Sugarman (ed.), *Legality, Ideology and the State*, London: Academic Press, 1983, p.190.

<sup>70</sup> Ignatieff, ‘State, Civil Society and Total Institution’, pp.205-206. See also Michael Ignatieff, ‘Total Institutions and the Working Classes: a Review Essay’, *History Workshop Journal* 15 (1983), pp.170-71.

<sup>71</sup> David Sugarman, ‘Law, Economy and the State in England, 1750-1914: Some Major Issues’ in Sugarman (ed.), *Legality, Ideology and the State*, especially pp.224-230.

non-state criminal justice in the nineteenth century.<sup>72</sup> Most recently, Lucia Zedner has asserted that the new police's monopoly over crime control was only ever 'symbolic', prompting some historians to rethink the state's role in dealing with crime in this period.<sup>73</sup> While several scholars have recognised the limits of conventional interpretations, however, there has been no sustained attempt to construct a viable alternative, based on detailed historical research. What remains therefore is to outline an empirical strategy for constructing a more balanced account of crime and control in the nineteenth century.

### *Beyond Police: Alternative Histories of Law-Enforcement*

In order to challenge the state monopolisation thesis, this thesis undertakes detailed research in areas which promise to expose the role of the civilian public in nineteenth-century crime control. In many respects, this research is less straightforward than conventional studies in criminal justice history; there is no dedicated repository of source material to sustain scholars in this enquiry, comparable to local police records. Fortunately, however, several scholars have touched upon avenues of research which, together, promise a fresh perspective on law-enforcement under the new police. This section thus marshals studies of quite varied subjects – self-defence, prosecution, out-of-court settlement, private

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<sup>72</sup> J.A. Sharpe, 'The History of Crime in England, c.1300-1914: an Overview of Recent Publications', *The British Journal of Criminology* 28 (1988), p.132; Louis A. Knafla, 'Structure, Conjecture, and Event in the Historiography of Modern Criminal Justice History' in Emsley and Knafla (eds), *Histories of Crime*, pp.37-39.

<sup>73</sup> Lucia Zedner, 'Policing Before and After the Police: the Historical Antecedents of Contemporary Crime Control', *The British Journal of Criminology* 46 (2006), pp.81-82. For an approving assessment of Zedner's thesis, see Haia Shpayer-Makov, *The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England*, Oxford: Oxford University Press, 2011, p.3.

and associational policing – which are usually treated individually, to outline a broad new agenda for research on crime and policing in nineteenth-century England.

Study of immediate, ad-hoc civilian responses to crime has thus far been confined to self-defence. Recent work in this area has probed notions of ‘reasonable force’, especially changing attitudes towards the use of firearms.<sup>74</sup> Researchers agree that press coverage of householders who confronted criminals was broadly favourable, while anxieties about gun ownership and usage intensified in the late nineteenth century.<sup>75</sup> Emelyne Godfrey’s contributions have been particularly thoughtful, linking self-defence practices and technologies to the survival of an ‘assertive’ mode of masculinity in the Victorian period.<sup>76</sup> The only detailed study of civilian activity in apprehending criminals is Andrew Barrett’s work, which mounted a sustained challenge to the notion that the police alone were responsible for catching felons.<sup>77</sup> This thesis builds upon existing studies, analysing civilian activity in confronting and apprehending offenders in specific spatial contexts, and examining how the local press encouraged such practices.

As we have already seen, further work is required to uncover the role of the victim in the prosecutorial process. While David Philips and Jennifer Davis uncovered extensive working-class use of the courts,<sup>78</sup> their exact role in the process and the precise impact of the police on prosecutorial discretion remain unanswered questions. Specifically, we need

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<sup>74</sup> More generally on firearms in English history, see Joyce Lee Malcolm, *Guns and Violence: the English Experience*, Cambridge, MA: Harvard University Press, 2002; for some of that work’s deficiencies, see Chris A. Williams’s review in *The Journal of Modern History* 76 (2004), pp.168-170.

<sup>75</sup> Emelyne Godfrey, *Masculinity, Crime and Self-Defence in Victorian Literature*, Basingstoke: Palgrave Macmillan, 2011, chapter seven; Christopher Andrew Williams, ‘Police and Crime in Sheffield, 1818-1874’, unpublished PhD thesis, University of Sheffield, 1998, pp.280-81; Godfrey and Lawrence, *Crime and Justice*, pp.36-38.

<sup>76</sup> Emelyne Godfrey, ‘Urban Heroes Versus Folk Devils: Civilian Self-Defence in London (1880-1914)’, *Crime, Histoire & Sociétés* 14 (2010), p.7.

<sup>77</sup> Andrew A. Barrett, ‘The System of Criminal Justice in Cheshire, 1820-75’, unpublished PhD thesis, University of Keele, 1996, chapter four.

<sup>78</sup> Philips, *Crime and Authority*, pp.127-29; Jennifer Davis, ‘A Poor Man’s System of Justice: the London Police Courts in the Second Half of the Nineteenth Century’, *The Historical Journal* 27 (1984), pp.318-320.

to know not just who actually conducted proceedings in court, but also whether policemen were able to prosecute without the victim's support.<sup>79</sup> Irrespective of who was actually prosecuting, Wim Mellearts argues convincingly that victim consent was required in all but a small minority of theft prosecutions by the late nineteenth century.<sup>80</sup> A full understanding of the criminal prosecution therefore requires going beyond recognisances to explore the importance of witnesses as well as 'prosecutors'. This thesis delves further into the role of civil associations and private individuals in prosecuting offenders, although further work is still required in this area.<sup>81</sup> In particular, there remains no adequate study of how the civil law was used to resolve criminal encounters.<sup>82</sup>

The need for further research on prosecution is matched by our limited appreciation of its alternatives. The formal procedures of police and law offered just one option available to victims of crime in this period.<sup>83</sup> According to Davis, '[c]riminal prosecutions did not replace informal sanctions against perceived wrongdoing, but were used in addition to them.'<sup>84</sup> Working-class victims often settled privately in cases of theft, upon the return of stolen goods or offer of an apology, while employers were disposed to punish embezzlement by sacking rather than prosecuting their workers.<sup>85</sup> Others, meanwhile, have

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<sup>79</sup> For a helpful typology of the police contribution to prosecution, see Hay and Snyder, 'Using the Criminal Law', pp.38-39.

<sup>80</sup> See Wim Mellearts, 'Criminal Justice in Provincial England, France and Netherlands, c.1880-1905: Some Comparative Perspectives', *Crime, Histoire & Sociétés* 4 (2000), pp.24-26.

<sup>81</sup> See David Philips, 'Good Men to Associate and Bad Men to Conspire: Associations for the Prosecution of Felons in England, 1760-1860' in Hay and Snyder (eds), *Policing and Prosecution*, pp.113-170; Kim Stevenson, 'Fulfilling their Mission: the Intervention of Voluntary Societies in Cases of Sexual Assault in the Victorian Criminal Process', *Crime, Histoire & Sociétés* 8 (2004), pp.93-110.

<sup>82</sup> See Clive Emsley, *Crime and Society in England, 1750-1900*, 1987, Harlow: Pearson Education, fourth edition 2010, p.318.

<sup>83</sup> In addition to what follows, see Emsley, *Crime and Society in England, 1750-1900*, pp.188-192; Jones, *Crime in Nineteenth-Century Wales*, pp.4-12.

<sup>84</sup> Jennifer S. Davis, 'Prosecutions and their Context: the Use of the Criminal Law in Later Nineteenth-Century London' in Hay and Snyder (eds), *Policing and Prosecution*, p.425.

<sup>85</sup> Davis, 'Prosecutions and their Context', pp.408-413; John P. Locker, "'Quiet Thieves, Quiet Punishment': Private Responses to the "Respectable" Offender, c.1850-1930', *Crime, Histoire & Sociétés* 9 (2005), pp.9-31.

explored the use of violent rituals to resolve criminal encounters. 'Rough music', which apparently survived long after the arrival of the new police, was frequently used as a sanction against violent husbands and other local deviants.<sup>86</sup> Davis also pointed to the internal governance of crime and disorder by particular 'powerbrokers' in a London rookery,<sup>87</sup> while John Carter Wood has argued more broadly that autonomous 'self-policing' through violence remained a key objective of working-class communities at least until the 1870s.<sup>88</sup> Further work should draw out further the interaction between such private resolution mechanisms and the police presence in the nineteenth century.

Finally, historians are starting to broaden out the study of 'policing' beyond the institutional bounds of the new police. The system of 'additional constables' – whereby private interests could hire public policemen – has attracted particular scholarly interest, helping to undercut the division between 'state' and 'private' policing.<sup>89</sup> Chris Williams thus dismisses the novelty of private interest in twentieth-century policing, pointing to the employment of additional constables in factories, theatres, fisheries, docks and shopping districts.<sup>90</sup> In fact, the workplace was probably the bastion of private police, as Barry Godfrey's study of private inspectors in the West Yorkshire worsted industry suggests.<sup>91</sup>

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<sup>86</sup> E.P. Thompson, 'Rough Music' in his *Customs in Common*, 1991, London: Penguin, paperback edition 1993, pp.467-538; Carolyn A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent*, New York, NY: Oxford University Press, 1991, pp.22-28; A. James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life*, London: Routledge, 1992, pp.18-22.

<sup>87</sup> Jennifer Davis, 'From "Rookeries" to "Communities": Race, Poverty and Policing in London, 1850-1985', *History Workshop Journal* 27 (1989), pp.71-72.

<sup>88</sup> J. Carter Wood, 'Self-Policing and the Policing of the Self: Violence, Protection and the Civilising Bargain in Britain', *Crime, Histoire & Sociétés* 7 (2003), pp.114-120, 125. Further on violent dispute resolution, see David Woods, 'Community Violence' in John Benson (ed.), *The Working Class in England 1875-1914*, London: Croom Helm, 1985, pp.175-77; John Carter Wood, *Violence and Crime in Nineteenth-Century England: the Shadow of Our Refinement*, London: Routledge, 2004, chapters three and four.

<sup>89</sup> Steedman, *Policing the Victorian Community*, pp.45-46; Chris A. Williams, 'Constables for Hire: the History of Private "Public" Policing in the UK', *Policing and Society* 18 (2008), pp.190-205.

<sup>90</sup> Williams, 'Constables for Hire', pp.195-98.

<sup>91</sup> Barry Godfrey, "'Private Policing and the Workplace": the Worsteds Committee and the Policing of Labour in Northern England, 1840-1880', *Criminal Justice History* 16 (2002), pp.87-106. See also Barrett, 'Criminal Justice in Cheshire', pp.107-109.

Together with research on communal self-policing, this work throws into question the extent to which the new police exercised a monopoly on surveillance and sanction in this period.

This thesis draws on these studies, and others, to challenge the basic guiding assumptions of modern criminal justice history outlined above. It explores the extent to which the response to crime was driven variously by civilians and policemen, in specific spatial and situational contexts. Furthermore, it analyses the ways in which civilian initiative was consciously cultivated, by both police and the press. In sum, this thesis constructs an original account of crime control and law-enforcement in the Victorian city, by supplementing detailed research on the new police with an analysis of lay participation in the criminal justice process.

This is a highly contested terrain. Gatrell might well argue that such research ‘serves dominant mythologies well’,<sup>92</sup> and in some respects he might be right: it would be only too easy to suppose that civilian initiative in dealing with crime demonstrates the legitimacy of the criminal law and popular consent for the ‘essential’ functions of the police. This thesis, however, exposes a far more nuanced picture, highlighting the scope for conflict between the priorities of victims and the criminal justice system. In any case, this research programme also presents opportunities: not just to contextualise the role of the ‘official’ police activity; not just to critique the increasingly institutional focus of much criminal justice history; but also to shed light on aspects of past social experience which will otherwise forever remain obscure. What follows does not, therefore, marginalise ‘the attitudes of that large minority...who never doubted that the policeman and the law were

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<sup>92</sup> Gatrell, ‘Policeman-State’, p.283, discussing the work of Peter King, Jennifer Davis, John Styles and others.

their enemies',<sup>93</sup> but explores the diverse ways in which they, and others, dealt with crime in the age of the new police.

## Sources and Method

To redress this fundamental historiographical imbalance is a daunting task, requiring a survey of 'official' policing as well autonomous civilian initiative in crime control. In order, therefore, to be as comprehensive as possible, this thesis offers a local case study, limiting geographical coverage to allow an in-depth analysis of crime and control over a fairly lengthy and eventful period (c.1830-1890). According to the state monopolisation thesis, one would expect informal sanctions and personal compromises in response to crime to persist most stubbornly in rural areas, where 'face-to-face' community relations perhaps held out longest in the transition to modernity. Yet to make the case that such practices were central to the governance of crime in the nineteenth century – rather than anachronistic 'survivals' from an earlier era – this study will centre instead on the industrial city. Even in this bastion of modernity, there remained considerable civilian discretion and initiative in crime control.

This thesis is based on an in-depth study of Leeds.<sup>94</sup> Naturally, the social and economic development of the city provided a key context within which mechanisms of policing and crime control developed. Leeds was certainly a leading industrial centre in the

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<sup>93</sup> Gatrell, 'Policeman-State', p.283.

<sup>94</sup> There has been no dedicated academic study of crime and policing in nineteenth-century Leeds. There are, however, passing references in Storch, 'Plague of Blue Locusts', pp.61-90, and Storch, 'Domestic Missionary', pp.481-509. Note also the following: Donald Smith, 'Leeds and its Police Force', unpublished manuscript, 1952; Ewart W. Clay (ed.), *The Leeds Police 1836-1974*, Leeds: E.J. Arnold & Sons, 1974; Pamela Hardy, 'Development of the Leeds City Police Force 1836 to 1856', unpublished dissertation, University of Leeds, 1994.

nineteenth century, and like other such cities experienced arresting and disruptive expansion: its population soared from 53,162 residents in 1801 to 172,023 fifty years later.<sup>95</sup> The prime motor of growth was its booming woollen industry: in particular, the second quarter of the century saw rapid advances in the textile sector, including the progressive centralisation of the industry in large, steam-powered mills.<sup>96</sup> Such dramatic changes to the urban-industrial landscape had a profound effect upon social relations, throwing the city into successive episodes of social conflict and popular unrest between the 1830s and 1850s.<sup>97</sup>

While the historian of crime must take note of popular unrest, there were clear limits to such developments in Leeds. For example, despite the advance of factory production, small-scale, hand-powered systems of industrial organisation remained very common, not just in major subsidiary sectors like construction and engineering, but also in the textile industry itself.<sup>98</sup> Such arrangements allowed a greater degree of negotiation between employer and employees, which could act to modify antagonism; in any case, class relations were far too complex, even in the 1830s and 1840s, to be characterised unreservedly as 'class conflict'.<sup>99</sup> Furthermore, although urban-industrial expansion in Leeds was very considerable, it was perhaps not quite as relentless and unsettling as elsewhere. By comparison with neighbouring Bradford, Leeds seemed positively orderly, less violent, and far more affected by the culture of working-class self-improvement.<sup>100</sup>

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<sup>95</sup> R.J. Morris, *Class, Sect and Party: the Making of the British Middle Class, Leeds 1820-1850*, Manchester: Manchester University Press, 1990, p.36.

<sup>96</sup> E.J. Connell and M. Ward, 'Industrial Development, 1780-1914' in Derek Fraser (ed.), *A History of Modern Leeds*, Manchester: Manchester University Press, 1980, pp.145-151.

<sup>97</sup> See Morris, *Class, Sect and Party*, pp.111-15; J.F.C. Harrison, 'Chartism in Leeds' in Asa Briggs (ed.), *Chartist Studies*, London: Macmillan, 1959, pp.65-98.

<sup>98</sup> Connell and Ward, 'Industrial Development', pp.150-51; Morris, *Class, Sect and Party*, pp.30-32.

<sup>99</sup> See Morris, *Class, Sect and Party*, chapter five, especially pp.119-120.

<sup>100</sup> See Asa Briggs, *Victorian Cities*, 1963, London: Penguin, new edition 1990, chapter four; Harrison, 'Chartism in Leeds', pp.80-82, 94-96.



Indeed, it was often in smaller manufacturing centres, where the formation of a social elite and appropriate mechanisms of governance was less advanced, that the consequences of industrialisation presented a genuine threat to the social order, as well as truly endemic problems of crime and violence.<sup>101</sup> Places like Leeds, with considerable diversity of industrial employment, a defined and active middle class and adequate institutions of local government, better weathered the periodic storms of social conflict common to industrial areas in the nineteenth century.<sup>102</sup>

The other major local context which affected the development of crime and control in nineteenth-century Leeds was the city's geography. From the early nineteenth century, commentators rapidly became familiar with a new mental geography of Leeds, dividing the more prosperous and commercial West End from the East End, home to rows of hastily erected, back-to-back housing for the swelling pool of industrial labour (see figure 1.1).<sup>103</sup> This basic distinction between West and East was central to the conceptualisation of social problems throughout this period, leading the reformed police forces of this period to take as their task the protection of one part of the city from another. It is important, however, to note too the limitations of this model as a description of actual housing patterns. Despite the tendency towards segregation, settlement across the city remained a patchwork of different social groups, allowing a relatively rich mixing of the various classes. As a result,

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<sup>101</sup> See David Jones, 'The Conquering of "China": Crime in an Industrial Community, 1842-64' in David Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain*, London: Routledge and Kegan Paul, 1982, pp.85-116; David Taylor, *Policing the Victorian Town: the Development of the Police in Middlesbrough c.1840-1914*, Basingstoke: Palgrave Macmillan, 2002.

<sup>102</sup> See Connell and Ward, 'Industrial Development', pp.145-164; Morris, *Class, Sect and Party*, p.35, chapters 6-13.

<sup>103</sup> Maurice Beresford, *East End, West End: The Face of Leeds during Urbanisation, 1684-1842*, Leeds: The Thoresby Society, 1988, chapters twelve and thirteen; T. Dillon, 'The Irish in Leeds, 1851-1861', *Publications of the Thoresby Society: Miscellany* 16 (1974), pp.7-10; Morris, *Class, Sect and Party*, pp.39-44, 56-58.



Figure 1.1: Section of W. Brierley, 'Map of the Town of Leeds and its Vicinity', 1866.

there were very few areas of genuine protection for the middle class wishing to escape social intercourse with labouring people. As a result, there was a very considerable role for the police in reforming the morals of ordinary people for the benefit of their rate-paying neighbours.

Finally, it is important to stress that Leeds encompassed not just the central urban mass, but also a collection of satellite out-townships (see figure 1.2). Some of these were highly industrial, especially Hunslet and Holbeck to the south, while northern Headingley was favoured as a suburban retreat of the upper-middle class.<sup>104</sup> Most out-townships, however, retained a quasi-rural character late into the nineteenth century: Beeston, for instance, while a significant site of coal mining, was still mostly farm land by mid-century.<sup>105</sup> This had two key implications for the development of policing in Leeds. Firstly, it meant that the installation of new forms of police would involve a negotiation not simply between the central government and the borough, but also within the borough itself. This led to a rather complex and convoluted process of police reform, which evolved according to the particular circumstances of each out-township. Secondly, it meant that once the borough police force was established in the 1850s, the Leeds Police would be charged at once with enforcing order across vast tracks of countryside and within a major industrial city. In these ways, the social development and geography of Leeds defined the parameters within which ways of responding to crime – the prime objects of this study – were located.

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<sup>104</sup> Robin Pearson, 'The Industrial Suburbs of Leeds in the Nineteenth Century: Community Consciousness among the Social Classes', unpublished PhD thesis, University of Leeds, 1986, chapter two; Morris, *Class, Sect and Party*, pp.52-53; Maurice Beresford, 'The Face of Leeds, 1780-1914' in Fraser (ed.), *Modern Leeds*, pp.96-102.

<sup>105</sup> Pearson, 'Industrial Suburbs', p.153.



Figure 1.2: Boundary Commission report, map of the borough of Leeds, 1832 (accessed via 'A Vision of Britain Through Time database, [www.visionofbritain.org.uk](http://www.visionofbritain.org.uk))

Surprisingly, there is hardly a glut of work crime and policing in the great Victorian provincial cities.<sup>106</sup> This is an important deficiency in the literature, as such places often had extensive police provision before the new police arrived, and therefore experienced distinctive processes of police reform and practice. For Leeds itself, there is a significant pool of source material, including Watch Committee minutes, which have been consulted in full for the period 1837-1890. The choicest records, however, are those relating to the Leeds Police itself, including statistical reports, the force general orders, and a section of Chief Constable Wetherell's official correspondence (1867-1874). These sources – again consulted in full – offer an insight into the priorities and concerns of senior officers, as well as the nature of urban policing in practice. Especially valuable, however, is a set of three suburban occurrence books from the 1870s and 1880s. These contain records of arrests and other incidents at individual stations, which offer a vivid insight into the day-to-day business of policing in the late nineteenth century. Moreover, they preserve police notes made following civilian reports of criminal occurrences or missing property, which I have organised into a database, allowing rigorous analysis of victims' complaints (including details of suspects, property stolen and modes of theft). These books therefore offer a rare window into the experiences of victims of crime and their role in the criminal justice process.

While the occurrence books provide glimpses of civilian activity in law-enforcement, the main sources for this aspect of the study are local newspaper reports of crimes and courtroom exchanges. A decadal sample of the *Leeds Times* from 1835 to 1885

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<sup>106</sup> Emsley, 'Criminal Justice History in Contemporary Britain', p.123. Most published research is in essay form: for somewhat fuller studies, see Williams, 'Police and Crime'; John E. Archer, *The Monster Evil: Policing and Violence in Victorian Liverpool*, Liverpool: Liverpool University Press, 2011. The foremost study of urban policing outside of London is based on a new industrial town (Middlesbrough), rather than an established city: Taylor, *Policing the Victorian Town*.

provides the core of this material; in an effort to probe further the extent of continuity and change over time, this newspaper was further consulted during the early years of the new police (1836-37), while the *Leeds Daily News* was examined for the first four months of 1881 and 1882, towards the close of our period. Extensive notes were taken primarily from the magistrates' court reports, in particular those which explicated the pre-history of court cases. These reports shed light on the pre-trial process, including police and civilian involvement in detection, apprehension and prosecution. Additionally, crime reports were mined for information relating to civilian attempts to safeguard property against the threat of theft, exposing nineteenth-century domestic and commercial security practices. Of course, newspaper reports are constructed by editors and journalists, and in no way offer a representative sample of offences known to the police, let alone criminal occurrences at large. There is thus no attempt to quantify changing patterns of crime control from this evidence. Nonetheless, they offer a guide to changing responses to crime in practice, while an analysis of the *language* of newspaper crime reporting reveals the importance of the press in stimulating and facilitating civilian crime prevention and law-enforcement. Taking newspaper reports and archival records together provides a powerful and broad pool of source material on the response to crime in the Victorian city.

There is also a limited attempt in what follows to draw on national sources, to put local findings in context where feasible and appropriate. The minutes of parliamentary select committees, while highly selective and vulnerable to political manipulation,<sup>107</sup> at least provide a readily accessible insight into 'official' concerns, via the testimony of police chiefs, magistrates, lawyers and others. Finally, a small set of working-class and police autobiographies has been consulted. The former provide useful insights into crime control

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<sup>107</sup> See especially the forensic exposé of Chadwick's influence over the Constabulary Force Commission in Philips and Storch, *Policing Provincial England*, chapter six.

in working-class communities, and reactions to youthful offenders in particular. Police memoirs, on the other hand, offer enormously rich accounts of policing in practice. While they were obviously tailored to produce engaging and marketable publications,<sup>108</sup> their contents nonetheless contain a great wealth of detail on day-to-day preventative policing and criminal investigation.<sup>109</sup> Both types of autobiography thus add further depth and detail to the Leeds sources.

The first half of this thesis, based primarily on archival material, charts the institutional development and practical impact of the Leeds Police. Chapter one reconstructs the process of local police reform from the mid-eighteenth century, demonstrating the existence of a sizeable and sophisticated police establishment by the 1830s. Following reform in 1836, the force gradually grew further in size and technical sophistication, and made strides by the late nineteenth century to improve the internal management of information. The following chapter, however, balances such positive impressions by focusing on the relative inexperience and persistent indiscipline of ordinary constables. While turnover and misconduct gradually reduced after the mid-nineteenth century, there remained well-founded concerns that the men were not fit to fulfil the potential of an improving system. Using these findings as its starting point, the third chapter analyses the impact of policing in practice. From the 1820s, the police brought a new level of order and discipline to the streets, and their presence was most tangible in the regulation of petty deviance and disorder. They struggled, however, to make a decisive impact upon property crime. The Victorian city presented tremendous opportunity for theft and housed a broad 'base'

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<sup>108</sup> Emsley bemoaned that police autobiographies 'often tend to be of the "great-cases-I-solved/great-criminals-I-caught" variety': *English Police*, p.279.

<sup>109</sup> Lawrence, 'Scoundrels and Scallywags', pp.128, 135-36; Shpayer-Makov, *Ascent of the Detective*, passim.



population of offenders, thwarting police efforts to target specific criminals. Shortages of manpower meant that beats were not always covered, while the detective innocence of an explicitly preventative force was compounded by the inexperience of its men.

The remainder of the study builds on these insights into the limits of policing, making extensive use of local newspapers to expose how ordinary people sought to mitigate the impact of crime on their lives. This section sheds light on the less formal side of nineteenth-century crime control, dealing successively with civilian involvement in crime prevention, detection and resolution. Chapter four demonstrates that, alongside the new police, a variety of organisations sought to curb crime, including volunteer watch groups, detective associations, charitable bodies and private watchmen. Furthermore, practices of crime prevention remained integrated into the everyday lives of ordinary people, while the local press consciously encouraged readers to take responsibility for securing property and person. The following chapter turns to civilian involvement in the detection and apprehension of offenders, and exposes how police efforts to trace stolen property remained reliant upon the activity and initiative of victims of crime and the city's shopkeepers. Finally, chapter six explores the victim's role in resolving criminal encounters, including their continued centrality to the process of prosecution. The priorities of victims sometimes came into conflict with those of the police and magistrates, especially when they sought to compound felonies or otherwise settle criminal matters out of court; this kind of discretionary civilian control proved a nuisance for criminal justice administrators late into the nineteenth century.

What follows thus constitutes a concerted challenge to conventional interpretations of policing and crime control in modern England. It seeks to demonstrate that urban crime was



never purely a job for the police, and that ordinary people retained a measure of control in response to criminal encounters. Existing doubts about the veracity of the state monopolisation thesis, and police hegemony in crime control, have already been raised; this thesis goes one step further, by recovering much more fully than previous surveys how the 'mixed economy' of policing and criminal justice actually operated in the nineteenth-century city. In doing so, it situates crime and control as part of everyday life. While crime was variously thrilling news sensation, social 'problem' and object of social policy, it was also a fact of life, an aspect of human experience and consciousness. This study thus contributes to a *fully social* history of crime, which not only places law-breaking in its social contexts, but returns crime and its governance to the common rhythms and routines of social life in the past.

## **Chapter One: The Police Establishment**

The story of police reform has long been central to criminal justice history; this chapter builds upon existing work by providing a detailed analysis of the process in Leeds. While many studies are preoccupied with explaining the arrival of the new police,<sup>1</sup> this enquiry traces the evolution of local policing arrangements from the late eighteenth century, assessing the extent of ‘improvement’ over time and the progressive extension of the state’s disciplinary capacity. Its broader purpose, though, is to prepare for an extensive assessment of the social role and impact of the police (below, chapter three). The path to progress in nineteenth-century Leeds was a bumpy one, as concerns over cost and control continually frustrated reformers; yet between 1815 and 1890, the police of Leeds grew substantially in raw manpower, geographical scope, and technical sophistication.

This chapter’s narrative of ‘reform’ extends beyond the legislative changes which still dominate most historical accounts, to include the efforts of councillors, magistrates, government inspectors and chief constables to amend existing police arrangements. It thus places local agencies centre stage in driving and inhibiting attempts at police improvement, through recruitment and organisational change, while charting growing threats to purely local definitions of police efficiency in the second half of the century. Over the course of the century, reform was increasingly driven by a new, more bureaucratic mode of police governance, in which scrutiny and improvement were *routine* rather than periodic. These changes in police authority, however, pose difficulties of interpretation; as well as recording improvements and reforming initiatives, the records of the Leeds Watch Committee present copious evidence of inadequacy, inefficiency, insubordination and

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<sup>1</sup> See for example David Philips, “‘A New Engine of Power and Authority’: the Institutionalisation of Law-Enforcement in England 1780-1830” in Gatrell, Lenman and Parker (eds), *Crime and the Law*, pp.155-189.

incompetence. The fact that reforming ambition provides the clearest evidence of institutional *deficiency* – in both formidable and faulty police forces – makes arriving at a balanced assessment of police reform extremely hazardous.<sup>2</sup> In considering evidence of inadequacy and improvement below, this essential skew in the sources must be borne in mind.

### **Before the New Police**

Before the arrival of the new police, Leeds enjoyed a police infrastructure maintained under various local acts of Parliament.<sup>3</sup> The first came in 1755, establishing an Improvement Commission to ensure street lighting, in a bid to ‘prevent the many mischiefs which might happen as well from Fires, as Burglaries, Robberies, and other Outrages and Disorders’.<sup>4</sup> Characteristically of eighteenth-century ‘police’ statutes, the act dealt with diverse matters of urban regulation, including street sweeping, obstructions, and the slaughter of animals. The most important criminal justice reforms, though, came in 1815. This Act empowered magistrates to appoint a Chief Constable and other police assistants, and moreover to establish a night watch – reforms which it was hoped would ‘tend materially to insure greater Security, the more effectual Protection of Persons and Property of the Inhabitants of

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<sup>2</sup> It also, of course, eases the labour of those who seek to minimise the efficiency of the new police.

<sup>3</sup> On the use of local acts to deliver police reform in other urban contexts, see Bryan Jerrard, ‘Early Policing Methods in Gloucestershire’, *Transactions of the Bristol and Gloucestershire Archaeological Society* 100 (1982), pp.232-33.

<sup>4</sup> Leeds Local & Family History Library (L.L.F.H.L.), L 352 C791: local Acts of Parliament of Leeds (L.A.P.L.), 28<sup>th</sup> Geo.II A.D.1755: ‘An Act for Enlightening the Streets and Lanes, and Regulating the Pavements in the Town of Leeds, in the County of York’, p.1.

the Town'.<sup>5</sup> The justices were further authorised to levy a watch rate and regulate the night watch as they saw fit.<sup>6</sup>

The 1815 Act further reformed the payment of expenses to prosecutors and witnesses in criminal cases. Recognising 'the small and inadequate Allowance made out of the County Rates to Prosecutors of Felons',<sup>7</sup> it authorised magistrates to grant 'such Sum of Money (in addition to the Allowance from the County Rates in cases of Felony) as such Justices shall think a reasonable Compensation and Allowance for his her and their Expences [sic] and Loss of Time, and for the Expences [sic] and Loss of Time of any necessary Witness or Witnesses'.<sup>8</sup> These provisions supplemented the existing, national framework of provision, which had allowed expenses to certain prosecutors in cases of felony since 1752.<sup>9</sup> Local statutes, which aimed to make up for the perceived inadequacy of the current system, signalled an enhanced attentiveness to provincial criminal justice arrangements in the early nineteenth century, and openness to reform.

The 'Watchmen or Patroles' created under the Act comprised a significant preventative police which was responsible for keeping order on the streets for the next twenty years. Very much like their successors in the new police, these officers were authorised to arrest and charge 'all Felons, Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Vagrants, and other Persons found breaking or disturbing the public

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<sup>5</sup> L.A.P.L., 55<sup>th</sup> Geo.III A.D.1815: 'An Act to amend and enlarge the Powers and Provisions of an Act of His present Majesty, for erecting a Court House and Prison for the Borough of Leeds, in the County of York, and other Purposes; to provide for the Expence [sic] of the Prosecution of Felons in certain Cases; and to establish a Police and Nightly Watch in the Town, Borough, and Neighbourhood of Leeds aforesaid', §6.

<sup>6</sup> 55<sup>th</sup> Geo.III A.D.1815, §12, §14, §20.

<sup>7</sup> 55<sup>th</sup> Geo.III A.D.1815, §5.

<sup>8</sup> 55<sup>th</sup> Geo.III A.D.1815, §11.

<sup>9</sup> Further legislation in the 1820s would extend payments to witnesses: Emsley, *Crime and Society in England, 1750-1900*, p.196. Expenses were themselves preceded by statutory rewards for certain prosecutors: Beattie, *Crime and the Courts*, pp.50-53.

Peace'.<sup>10</sup> Within two years of the Act the police establishment comprised 38 night watchmen, 16 patrols, 10 constables and 8 churchwardens, the latter responsible for enforcing public decorum on the Sabbath.<sup>11</sup> The night watch continued to expand over the coming decades: on the eve of reform, 12 inspectors and 71 watchmen policed the streets for 34 weeks a year, while for the remainder the force was reduced to 7 inspectors and 51 watchmen.<sup>12</sup> Their substantial activity meant that the new police did not land on virgin soil in 1836 (see below, chapter three).

Local initiatives brought further reform to the 'old' police in Leeds. By the mid-1820s, the magistrates saw fit to hire additional salaried officers to help direct the day police in the winter months: they appointed an 'Assistant Constable' in 1826,<sup>13</sup> and within a couple of years Chief Constable Read directed the force together with three assistants.<sup>14</sup> In 1833, following a shocking robbery upon the mayor one Saturday evening, an additional force was established to patrol the streets at dusk, ensuring continual surveillance in the evening before the night watch took to their beats.<sup>15</sup> The most determined drive to reform policing arrangements, though, came the following year, on the eve of the Municipal Corporations Act. The magistrates conducted an investigation into the night watch, the most serious and searching assessment of the 'old' police regime. Enquiries were made into police arrangements at Manchester and Liverpool, after which the justices agreed to an 'immediate inspection of all the Watchmen etc [sic] and discharging such as are considered inefficient'. Furthermore, a new 'Watch Committee' was established, comprising a

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<sup>10</sup> 55<sup>th</sup> Geo.III A.D.1815, §16.

<sup>11</sup> Anon., *Directory, General and Commercial, of the Town and Borough of Leeds, for 1817*, Leeds: Edward Baines, 1817, reprint, pp.13-14.

<sup>12</sup> West Yorkshire Archives Service (W.Y.A.S.), LL2/1/4: Leeds Council Minutes, volume four (C.M.4), 6/4/36, p.36.

<sup>13</sup> W.Y.A.S., P36/C/3/1: Leeds Magistrates' Minutes, volume one (M.M.1), 18/12/1826.

<sup>14</sup> Parliamentary Papers (P.P.), 'Report from the Select Committee on Criminal Commitments and Convictions' (1828), p.69.

<sup>15</sup> *Leeds Patriot*, 9/2/33, no page. For the attack on the mayor, see *Leeds Patriot*, 2/2/33, no page.

collection of the town's 'respectable Inhabitants', charged with enquiring into the condition of the force and recommending improvements.<sup>16</sup>

The resulting reforms indicate that the watch was subjected to an unprecedented level of scrutiny. The magistrates resolved to appoint 'a Person at the Head of the Nightly Watch in Leeds possessing more general capabilities of its duties than the Present Captain'.<sup>17</sup> Following further enquiries at Manchester and Liverpool, they settled on William Heywood as the new 'Superintendent'.<sup>18</sup> Exactly why a change in leadership was deemed necessary is unclear; Captain Benjamin Wood was retained on his regular salary, and the justices even assured him that he had long served, 'as an effective officer of the Nightly Watch Establishment and being a good and steady officer and a man of Integrity and good conduct'.<sup>19</sup> Even allowing for personal courtesy, Wood was probably far from incapable. Rather, late in 1834, the magistrates did not so much think less of Captain Wood, but rather thought more of his job.

It would be going too far, purely on this evidence, to agree with Robert Storch that 'a new ideology of order' was sweeping the provinces in the early nineteenth century.<sup>20</sup> Yet something was changing: old standards of police provision were increasingly found wanting, as expectations of the state's role in keeping the peace ratcheted up.<sup>21</sup> New efficiency criteria were imposed upon the watch: 'the watchmen to be hereafter appointed be paid not less than 18s per Week and be not allowed to follow any sort of Work or Occupation whilst in the Service of the Town'; 'as a General Rule', watchmen were further

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<sup>16</sup> M.M.1: 8/11/34.

<sup>17</sup> M.M.1: 27/11/34.

<sup>18</sup> M.M.1: 22/12/34.

<sup>19</sup> M.M.1, 27/11/34.

<sup>20</sup> Robert D. Storch, 'Policing Rural Southern England before the Police: Opinion and Practice, 1830-1856' in Hay and Snyder (eds), *Policing and Prosecution*, pp.261-63.

<sup>21</sup> See also John Styles, 'The Emergence of the Police – Explaining Police Reform in Eighteenth- and Nineteenth-Century England', *The British Journal of Criminology* 27 (1987), p.20; Silver, 'Demand for Order', pp.9-12.

required to be at least 5'6" tall and 35 years old.<sup>22</sup> In addition, the localist conception of order, which dominated eighteenth-century provincial police governance,<sup>23</sup> was coming under threat. Enquiries now had to be made at Manchester and Liverpool, perhaps due to mounting contemporary concerns about vagrancy,<sup>24</sup> or to the influential 'migratory thesis', by which criminals were thought to relocate away from areas of high police concentration to those less well protected.<sup>25</sup> To be clear, the locality remained a key frame of reference for police governors throughout the nineteenth century, yet the relevance of an external gauge of efficiency in 1834 marks a significant development in police governance.<sup>26</sup>

Before the arrival of provincial police legislation touching upon all parts of the country, local governors in Leeds shared serious discussions about the suitability of their police, and implemented particular reforms. The establishment, growth and improvement of the night watch mark the birth of police reform in the city, driven predominantly by the magistrates. For the next twenty years, however, scrutiny and reform became the job primarily of local councillors and chief constables. In the heady reformist spirit of the 1830s, faith in the transformative power of the new police was high; the years that followed, however, witnessed only limited improvement upon the preceding record, as concerns over costs retarded the progress of reform.

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<sup>22</sup> M.M.1: 4/12/34.

<sup>23</sup> See Styles, 'John Fielding', pp.148-49.

<sup>24</sup> D.J.V. Jones, 'The New Police, Crime and People in England and Wales, 1829-1888', *Transactions of the Royal Historical Society*, fifth series, 33 (1983), pp.156-57.

<sup>25</sup> For its significance in undermining parochial approaches to policing in the 1850s, see Clive Emsley, 'The Bedfordshire Police 1840-1856: a Case Study in the Working of the Rural Constabulary Act', *Midland History* 7 (1982), pp.75-76; Steedman, *Policing the Victorian Community*, pp.25-26.

<sup>26</sup> Further on communication between provincial police authorities, see Francis Dodsworth, 'Masculinity as Governance: Police, Public Service and the Embodiment of Authority, c.1700-1850' in Matthew McCormack (ed.), *Public Men: Masculinity and Politics in Modern Britain*, Basingstoke: Palgrave Macmillan, 2007, p.45; David G. Barrie, 'A Typology of British Police: Locating the Scottish Municipal Police Model in its British Context, 1800-35', *The British Journal of Criminology* 50 (2010), p.261.

## The New Police: 1836-1856

Following the Municipal Corporations Act the previous year, the 'new' police was founded in Leeds in 1836. The Watch Committee, 'after examining and duly considering various Plans laid before them for the establishment of an effective preventative Police', declared themselves 'of [the] opinion that the amalgamation of the Day and Night Forces on the System of the Metropolitan Police is the best as regards both Economy and Utility that can be adopted'.<sup>27</sup> They also implemented a change in police leadership, promoting Heywood to replace Read as chief constable. The move would prove controversial (and short-lived), yet the Committee later affirmed that Read was removed as he apparently opposed reform, and was 'incompetent and unfit for the situation of chief officer of the New Police Force'. There were parallels with Wood's dismissal in 1834, however, as shifting expectations of police governance were again in evidence: the mayor apparently assured Read that 'he was not dismissed for any misconduct, but rather because *the new system required new officers*'.<sup>28</sup>

The *Leeds Times* welcomed reform, confident that under the new system, 'the public generally will derive every considerable advantage in the effective protection both of their persons and property.'<sup>29</sup> However, as several historians have shown, the transition from 'old' to 'new' police often masked important continuities in personnel and practice.<sup>30</sup> Leeds was no exception: four of the fourteen 'new' day policemen were recruited from the

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<sup>27</sup> C.M.4, 6/4/36, p.36. These 'plans' are outlined in a report in *Leeds Times* (L.T.) 13/2/36, no page.

<sup>28</sup> L.T., 18/2/37, p.3, emphasis added.

<sup>29</sup> L.T., 2/4/36, no page.

<sup>30</sup> See especially Jenifer Hart, 'Reform of the Borough Police, 1835-1856', *The English Historical Review* 70 (1955), pp.419-424; T.A. Critchley, *A History of Police in England and Wales*, 1967, London: Constable, revised edition 1978, pp.64-68; Jones, 'New Police', pp.154-55; Emsley, *Policing and its Context*, pp.71-73.



night watch, and most of the senior officers were also familiar faces.<sup>31</sup> Moreover, it seems that the night watch was simply continued under the new system.<sup>32</sup> Despite the Watch Committee's plans, the day and night forces were not united into a single body.<sup>33</sup> As the watch was already a fairly sophisticated body, such continuities do not indicate the persistence of an outmoded structure; rather, they reveal that the new system did not provide a clean break with past policing arrangements.

The most persistent brake on police development was local governmental concern over costs. These were not unprecedented: the magistrates resolved in 1834 to resist appointing four superintendents in the night watch, 'on account of the expence [sic]'.<sup>34</sup> From 1836, the Watch Committee's instinct to minimise expenditure effectively rationed police manpower. Instead of recruiting eight or nine additional watchmen as planned in October 1838, the Committee made just one appointment.<sup>35</sup> Widespread Chartist agitation the following year prompted the magistrates to appeal directly to the Mayor, urging a 'considerable increase' in the day police upon the reluctant Committee.<sup>36</sup> Moreover, some months later, members resolved gradually to *reduce* the size of the night police by sixteen men.<sup>37</sup> From the outset, the Committee was determined to prevent any escalation in police spending.

The issue reached crisis proportions in 1845. Following a prolonged dispute between the Watch Committee and Council over alleged financial irregularities amongst senior police officers, substantial spending cuts were imposed by the latter. Forced to

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<sup>31</sup> Including Inspectors Handley, Child and James, and perhaps Inspector Ulleart: L.T. 26/3/36, no page; Smith, 'Leeds and its Police', appendix VI.

<sup>32</sup> L.T., 19/3/36, no page, stated that the nightly watch would be left unchanged; see also Hardy, 'Development of the Leeds Police', p.5.

<sup>33</sup> They were amalgamated in 1842, yet re-separated in 1845, and not permanently combined until 1859.

<sup>34</sup> M.M.1, 4/12/34. They enrolled only one such officer.

<sup>35</sup> W.Y.A.S., LLC5/1/1: Leeds Watch Committee Minutes, volume one (W.C.1), 5/10/38, p.58.

<sup>36</sup> M.M.1, 24/7/39, 1/8/39.

<sup>37</sup> W.C.1, 3/4/40, no page.

reduce the annual wage and uniform bill from £3,800 to £3,200,<sup>38</sup> the Committee reluctantly restored the division between day and night forces,<sup>39</sup> and adjusted wages in favour of the day policemen. Four sergeants and fourteen constables were released from the day police, along with two acting sergeants and five reserve policemen from the night force.<sup>40</sup> Having found the necessary economies by May, the Committee expressed its anger at the settlement: 'the Committee cannot refrain from observing that the plan pursued by the Council of reducing the estimates for so important a branch of the service as the Police without enquiry, seems to them very irregular and dangerous precedent [sic]'.<sup>41</sup> Strict control over budgets was hardly unique to the police: Liberals and Chartists in Leeds both obsessed over economy in the 1840s, scuppering the noble vision of the 1842 Improvement Act in the process.<sup>42</sup> More generally, the nature of the municipal franchise made most mid-nineteenth-century towns beholden to the economising instincts of a lower middle-class electorate.<sup>43</sup> Yet members of the Committee – whose own retrenching instincts were plain to see – were evidently riled by the vindictive nature of the cuts, and recognised that such reductions could not be made without adversely impacting upon the state of the police.

Such tensions were exacerbated by the presence of Chartists Councillors determined to break up the new force. They repeatedly condemned excess in all areas of Council spending, but especially the police.<sup>44</sup> Active Chartist Councillor William Brook was

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<sup>38</sup> W.C.2, 4/4/45, p.239.

<sup>39</sup> See above, note 33.

<sup>40</sup> W.C.2, 9/4/45, p.240, 18/4/45, pp.243-45.

<sup>41</sup> W.C.2, 9/5/45, p.240.

<sup>42</sup> E.P. Hennock, *Fit and Proper Persons: Ideal and Reality in Nineteenth-Century Urban Government*, London: Edward Arnold, 1973, pp.197-99; Derek Fraser, 'Improvement in Early Victorian Leeds', *Publications of the Thoresby Society: Miscellany* 15 (1970), pp.80-81.

<sup>43</sup> Martin Daunton, 'Taxation and Representation in the Victorian City' in Robert Colls and Richard Rodger (eds), *Cities of Ideas: Civil Society and Urban Governance in Britain, 1800-2000: Essays in Honour of David Reeder*, Aldershot: Ashgate, 2004, p.37.

<sup>44</sup> See further J.F.C. Harrison, 'Chartism in Leeds' in Asa Briggs (ed.), *Chartist Studies*, London: Macmillan, 1959, pp.90-93; Derek Fraser, *Power and Authority in the Victorian City*, Oxford: Basil Blackwell, 1979, pp.64-65.

ultimately behind the cuts of 1845,<sup>45</sup> yet further, more radical efforts to smother the police establishment failed to garner similar support. Joshua Hobson had no luck with his motion to dismantle the day force, leaving just Read and five deputies.<sup>46</sup> Such dramatic attempts to neuter the new police were never likely to succeed, yet the Chartist presence in local government certainly produced an acute political sensitivity to police spending.

The years after 1845 witnessed the diminution of these tensions. Gradual growth in police numbers had resumed by October that year, as Superintendent James gained four extra men for the night reserve force.<sup>47</sup> In 1846, after Read complained of manpower shortages, the Committee increased the strength of the day police from 17 to 21.<sup>48</sup> In these early years, the Chief Constable – and, at times of political uncertainty, the magistrates<sup>49</sup> – maintained pressure for further resources on the municipal authorities. Retrenchment, however, remained the Watch Committee's default position: in 1851, as projected police spending rose rapidly, it established a sub-committee to find further savings.<sup>50</sup>

Why were those who had instituted the new police so reluctant to fund it? While the political configuration of the Council fluctuated at this time,<sup>51</sup> support for fiscal minimalism extended beyond any one party. The economic circumstances of the 1840s probably contributed to the problem, yet restraint was already in evidence by the 1830s, and would remain so for much of the century. The most persuasive explanation rests instead on the Watch Committee's fundamental misconception of the nature of the new police establishment. In 1836, they declared themselves 'persuaded that ultimately a material

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<sup>45</sup> L.T., 9/8/45, p.5.

<sup>46</sup> L.T., 9/8/45, p.5. Similar initiatives also failed: L.T., 4/10/45, p.4.

<sup>47</sup> W.C.2, 24/10/45, p.309.

<sup>48</sup> W.C.2, 20/11/46, pp.392-93.

<sup>49</sup> See for example W.C.3, 9/6/48, pp.7-8.

<sup>50</sup> W.C.4, 17/9/51, pp.6-7.

<sup>51</sup> See Hennock, *Fit and Proper Persons*, book two, chapter one; Fraser, *Power and Authority*, pp.53-57.

diminution of both Crime and Expense will be effected by it.'<sup>52</sup> In this reforming moment, the Liberal elite entertained an almost utopian view of police reform as a cost-saving scheme of social improvement; with the passing years came the slow realisation that the police establishment carried its own, formidable momentum.<sup>53</sup>

Municipal thrift tempered growth in the Leeds Police in its first twenty years (see table 1.1). While the force generally expanded year-on-year, there were periodic losses in manpower. Reduced spending in 1845 made a clear impact; not until 1851 did police numbers return to the level of 1844. Unfortunately, as there is no record of exactly what proportion of the borough population was included in the watch district, there is no way of accurately tracking the ratio of police to population over time. Nonetheless, this period probably witnessed insufficient growth in police manpower to meet the demands of urban expansion. Read admitted in 1856 that his men no longer patrolled all areas they once had, while new developments were also neglected.<sup>54</sup> As we shall see, it took the Watch Committee many years to internalise the necessity of making small, regular additions to the force.

The Leeds Police was limited in one additional respect: its geographical coverage. The force was not, in its first twenty years, the police for the whole of the city, but was tasked chiefly with the security of the central urban district; most inhabitants of the out-townships – who by 1851 constituted about two-fifths of the borough population<sup>55</sup> –

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<sup>52</sup> C.M.4, 6/4/36, p.37.

<sup>53</sup> In the short-term, annual spending on police doubled after reform, from an average of about £3,000 before 1836, to £6,000 in years 1838-1844: Brian Barber, 'Municipal Government in Leeds, 1835-1914' in Derek Fraser (ed.), *Municipal Reform and the Industrial City*, Leicester: Leicester University Press, 1982, p.65.

<sup>54</sup> W.C.5, 28/3/56, pp.61-63, 66.

<sup>55</sup> Robert Baker, 'On the Industrial and Sanitary Economy of the Borough of Leeds, in 1858', *Journal of the Statistical Society of London* 21 (1858), table A.

remained without new police protection until after 1856.<sup>56</sup> In the interim, there were

Year	Number of policemen
1836	95
1841	133
1846	128
1851	142
1853	152

**Table 1.1: Police manpower in Leeds, 1836-1853.**

**Source:** Parliamentary Papers, 'City and Borough Police' (1854), p.33.

periodic requests from the out-townships for an extension of the watch district. Shortly after the formation of the new police, the Watch Committee received one such petition from Headingley, which claimed that reform had forced delinquents out to the suburbs.<sup>57</sup> The 1840s saw further requests to extend the force to Hunslet, Potternewton, and once again to Headingley.<sup>58</sup>

Yet suburban residents were not universally in favour of the new police, due again in large part to concerns about costs. In 1849, the Watch Committee actively sought the views of the out-townships on extending the watch district.<sup>59</sup> Within a few months, however, they abandoned the plan in the face of firm opposition. Armley, Bramley, Chapel-Allerton and Potternewton all memorialised against the proposal, while two separate representations were received from part of Hunslet, one in favour and one opposed.<sup>60</sup> Two sources of discontent emerge from these documents: the lack of any clear need for police reform, and concern about the consequent costs. The ratepayers of Armley maintained that,

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<sup>56</sup> See Barber, 'Municipal Government in Leeds', pp.103-104.

<sup>57</sup> Clay (ed.), *Leeds Police*, pp.14-15.

<sup>58</sup> W.C.2, 18/10/44, pp.173-75, 21/5/47, p.435; W.C.3, 9/6/48, p.8.

<sup>59</sup> W.C.3, 1/1/49, pp.64-68.

<sup>60</sup> W.C.3, 30/3/49, pp.89-90.

‘it would be of no public benefit to have the Police Force introduced into this Township. And further that the Rates are at present so heavy that any addition to them would be very injurious.’<sup>61</sup> Memorialists from Bramley similarly considered that ‘the police would be of no service to the Inhabitants of this Township’, and were clearly vexed by the question of expense:

we your Memorialists wish to inform the Council that at the present time the Poors [sic] Rates of this Township are 6<sup>s</sup>/4<sup>d</sup> in the pound and the Highway Rates are 1<sup>s</sup>/8<sup>d</sup> in the pound for the present year and that the greater portion of the Ratepayers will be unable to bear any additional rates being laid upon them.<sup>62</sup>

Some outlying residents had good reason to wonder what the point of extending the new police would be. Support for extending the watch district came chiefly from the more urban settlements, especially Headingley (a residential suburb for the urban elite) and Hunslet (an industrial township almost continuous with the south of Leeds). Yet in the majority of townships, which retained a quasi-rural character with a modest smattering of industry, the logic of urban policing hardly applied.<sup>63</sup> By the 1830s, the idea that the city itself was the breeding ground for crime had already taken hold in Leeds, leading to a widespread conviction that the out-townships were relatively immune from the criminal threat.<sup>64</sup> Finally, the police issue was also coloured by the fiercely localist sentiment which pervaded out-township local government; as well as expensive and inappropriate, the Leeds Police was an alien force, the imposition of which symbolised a loss of local control.<sup>65</sup> As

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<sup>61</sup> W.C.3, 30/3/49, p.91.

<sup>62</sup> W.C.3, 30/3/49, p.95.

<sup>63</sup> See also Pearson, ‘Industrial Suburbs’, pp.354-56.

<sup>64</sup> Pearson, ‘Industrial Suburbs’, pp.350-52.

<sup>65</sup> See further Pearson, ‘Industrial Suburbs’, pp.143-44, 158-163.

Williams has pointed out, despite much attention to conflict with the central state, arguments over police reform were often most fierce *within* particular localities.<sup>66</sup>

One final development under the new police was their involvement in the prosecutorial process. A lack of detailed research means that police prosecution remains insufficiently understood (although see further below, chapter six). In Leeds, the police rapidly became involved in the management of prosecutions at Borough Sessions and Assizes. The nature of their input, however, attracted criticism: competition between attorneys resulted in ‘a constant scramble’ to conduct prosecutions,<sup>67</sup> and policemen were accused of profiting from their control over cases. According to Hamilton Richardson, who would later act as one of the city’s prosecuting solicitors, ‘many of the police were in a habit, I believe, of receiving something approaching to a market price for prosecutions, which were sent to particular solicitors’.<sup>68</sup> This led in 1842 to the adoption of a new system, whereby the Corporation employed two permanent solicitors to take charge of all prosecutions at the higher courts.<sup>69</sup> In the first twelve years of the new system, Bertie Markland (the other prosecuting solicitor) could remember just two private prosecutions, and said he had acted on behalf not just of individuals, but of large companies, banks, solicitors and others.<sup>70</sup> This reform – which was echoed in towns and cities elsewhere – demonstrates that the narrative of criminal justice reform must go beyond the legislative record; histories of public prosecution which emphasise legislative failure and the creation

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<sup>66</sup> Williams, ‘History of British Criminal Justice’, p.64.

<sup>67</sup> P.P., ‘Report from the Select Committee on Public Prosecutors’ (1854-55), p.79.

<sup>68</sup> ‘Select Committee on Public Prosecutors’, p.77.

<sup>69</sup> C.M.6, 14/12/42, pp.182-185; ‘Select Committee on Public Prosecutors’, pp.68-69.

<sup>70</sup> ‘Select Committee on Public Prosecutors’, p.69.

of the (largely advisory) Director of Public Prosecutions in 1879 neglect the variety of local prosecutorial practices.<sup>71</sup>

Given the slow growth of the new police and its partial coverage, it would be easy to overlook the significance of 1836. While the force was less formidable than it would later become, Leeds had nonetheless gained a permanent, full-time body, discharging a preventative mandate in daytime as well as at night. Moreover, it was constantly subject to scrutiny and critique from senior officers and municipal governors, especially through regular sub-committee investigations, which produced significant reforms. In 1843, for example, following an extensive enquiry into the beat system, the force was divided into three divisions, and enlarged to ensure that property was adequately watched.<sup>72</sup> Similarly, in 1852, four additional stations were created upon sub-committee recommendation, providing better coverage over the watch district.<sup>73</sup> If the Watch Committee found the new police wanting in several respects, it was partly because they were more routinely attentive to policing arrangements than the authorities of the old Corporation.

### **Attaining the National Standard: 1857-1890**

From the mid-1850s, the Leeds Police could no longer simply satisfy a local conception of efficiency. The growing interest of central government in provincial policing was signalled by a Home Office circular of 1855, which urged large boroughs to review their police

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<sup>71</sup> This is a deficiency of Paul Rock's essay, 'Victims, Prosecutors and the State in Nineteenth-Century England and Wales', *Criminal Justice* 4 (2004), pp.331-354. By the late nineteenth-century, prosecuting solicitors were employed at Leeds, Liverpool, Birmingham, Bolton, Manchester, Newcastle and elsewhere: F.W. Maitland, *Justice and Police*, London: Macmillan, 1885, p.138.

<sup>72</sup> W.C.2, 1/9/43, pp.60-61, 12/9/43, p.67.

<sup>73</sup> W.C.4, 9/1/52, p.38. The stations had been completed by September that year: see W.C.4, 24/9/52, pp.97-98.



arrangements, stating that the government wished to discontinue the policy of posting troops to riotous cities.<sup>74</sup> The following year, the County and Borough Police Act instituted a regime of inspection which, despite Victorian scruples about second-guessing local wisdom,<sup>75</sup> brought major changes to the local police establishment. To most historians, this Act simply extended the new police to all parts of the country, and studies of its impact have tended to focus on the relations between the newly-appointed government inspectors and small, 'inefficient' borough forces.<sup>76</sup> What follows, however, demonstrates that the mid-1850s constitute a decisive period in the history of policing even in the major cities, bringing the urgency of central oversight to the progress of local reform, augmenting police strength and extending its geographical reach.

The impact of the 1856 Act in Leeds was pivotal. By the close of that year, there were 151 men in the force, yet within three months that number had leapt to 224.<sup>77</sup> In other words, a fifty per cent increase in police numbers was implemented in just three months. The vast majority of the increase, however, did not go towards enhancing existing police coverage, but to manning new suburban beats. The 1856 County and Borough Police Act required the extension of the force to encapsulate the whole borough, including each out-township. On the recommendation of the sub-committee for police efficiency, 66 men were recruited to patrol the new territory.<sup>78</sup> In addition to the recruitment drive, the expansion of the watch district called for a further round of station building: by March 1857, the police

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<sup>74</sup> W.C.4, 30/3/55, pp.334-35.

<sup>75</sup> See E.P. Hennock, 'Central/Local Government Relations in England: an Outline, 1800-1950', *Urban History Yearbook* (1982), pp.43-44.

<sup>76</sup> See Jennifer Hart, 'The County and Borough Police Act, 1856', *Public Administration* 34 (1956), pp.408-416; Henry Parris, 'The Home Office and the Provincial Police in England and Wales - 1856-1870', *Public Law* (1961), pp.230-255; Steedman, *Policing the Victorian Community*, p.42.

<sup>77</sup> W.C.5, 26/12/56, p.127, 27/3/57, p.161.

<sup>78</sup> W.C.5, 16/1/57, pp.133-35. This was a considerable increase, yet Read had recommended that 82 men were required to police the out-townships.

had eleven bases in the out-townships.<sup>79</sup> The 1856 Act thus set new and extended parameters for policing in Leeds for the remainder of the century. Its impact in Leeds was atypical, yet the Act clearly had a significant effect upon urban policing: between September 1856 and September 1857, 617 men joined the borough forces nationwide, accounting for about one-seventh of total recruitment in the provinces.<sup>80</sup> It seems therefore that historians have probably underestimated the significance of 1856 for established borough forces.

The Leeds Police enjoyed gradual growth from the late 1850s, though not unhindered by penny-pinching councillors. While the 1856 Act significantly enlarged the force, its impression on the Watch Committee's outlook was more subtle. Local governors remained predisposed to financial restraint, yet they were subject to significant pressure from without. Magistrates periodically pressed for additional resources, yet they probably exercised less clout than they had in the 1840s.<sup>81</sup> Chief constables, however, were more effective champions of reform, especially as the position repeatedly changed hands following Read's departure. While Read served in the post for some 36 years (excepting Heywood's brief tenure 1836-37), his successors up until the 1890s led the force for an average of just 5 years. There are signs too that chief constables enjoyed greater discretion as time went on; for a time, the Watch Committee even left the day-to-day business of hiring with Chief Constable Wetherell. It is unclear when this arrangement came into force, yet in mid-1868 the Committee decided to put an end to it.<sup>82</sup> From a glance at the recruitment record, it is plain to see why (see table 1.2). Under Wetherell's direction, the

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<sup>79</sup> W.C.5, 27/3/57, p.163.

<sup>80</sup> See Critchley, *History of Police*, p.146.

<sup>81</sup> Some magisterial motions were simply shelved by the Committee: see for example W.C.9, 27/12/67, p.32.

<sup>82</sup> W.C.9, 24/7/68, p.89.

force had swelled over the preceding months; after the Committee resumed control in July,

	<b>Appointments</b>	<b>Resignations</b>	<b>Dismissals</b>
<b>March</b>	16	2	2
<b>April</b>	14	1	0
<b>May</b>	10	0	0
<b>June</b>	4	4	2
<b>Total under Chief Constable's control</b>	<b>44</b>	<b>7</b>	<b>4</b>
<b>July</b>	9	7	2
<b>August</b>	5	4	3
<b>September</b>	2	3	2
<b>October</b>	6	3	2
<b>November</b>	0	2	2
<b>December</b>	0	3	0
<b>Total under Watch Committee control</b>	<b>22</b>	<b>22</b>	<b>11</b>

**Table 1.2: Appointments, resignations and dismissals in the Leeds Police, 1868.**

**Source: Leeds Watch Committee minutes, volume nine.**

there followed a net reduction in manpower through natural wastage. A further ten men were deliberately discharged in December.<sup>83</sup> If concerns over costs had eased somewhat since the 1850s – after all, the Committee gave Wetherell free reign in the first place – they still constrained police development. Throughout the remainder of the century, successive chief constables would grumble about ‘economy’ in the Watch Committee and the Council.<sup>84</sup>

<sup>83</sup> W.C.9, 18/12/68, p.130.

<sup>84</sup> See William Nott-Bower, *Fifty-Two Years a Policeman*, London: Edward Arnold, 1926, pp.40-41; L.L.F.H.L., L 352.42 L517: Leeds Police Reports (1892), pp.25-26.

After 1856, however, provincial police governance was no longer simply a local affair; there were now regular visits from government inspectors, whose criticisms carried considerable weight. The inspectors were charged with certifying that local police forces met a central standard of efficiency, in exchange for which local authorities were entitled to grants-in-aid from the Treasury. In the late 1850s and early 1860s, Lieutenant Colonel Woodford repeatedly pressured the Watch Committee to recruit additional men, to improve daytime strength and allow for shorter night beats.<sup>85</sup> More significantly, he was determined to establish the need for continual, small additions to the force to maintain efficiency, rather than periodic augmentations in response to specific situations: 'the Watch Committee should take into consideration the propriety and advantage of keeping pace with the increase of the population by small and gradual additions in the number of Constables, in order that the increased and constantly increasing acquirements may be met, and provided for as they arise, from time to time within the Borough'.<sup>86</sup> Woodford also helped ensure the provision of lock-ups in most out-township stations, reducing the time men spent off their beats conveying prisoners to the cells.<sup>87</sup> Yet perhaps the clearest example of the inspectorate's influence in Leeds came in 1875, when concerns were expressed that the force lacked sufficient men to cover its beats.<sup>88</sup> A couple of months later, the Watch Committee resolved to hire an additional 25 men, bringing the total strength up to 340.<sup>89</sup> The inspectors were rarely quite so direct in their criticisms, probably reserving their harshest words for smaller, more intransigent authorities. Yet, undoubtedly, they repeatedly forced the Committee to implement often costly improvements. The government grant was

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<sup>85</sup> See W.C.6, 19/8/59, p.93; W.C.7, 11/7/62, p.86.

<sup>86</sup> W.C.8, 26/5/65, p.89.

<sup>87</sup> See W.C.6, 16/12/59, p.128; W.C.7, 11/7/62, p.86.

<sup>88</sup> W.C.11, 9/7/75, pp.175-76.

<sup>89</sup> W.C.11, 3/9/75, pp.190-91.

thus a useful tool by which the Home Office could impose certain minimum standards upon naturally thrifty corporations.<sup>90</sup>

These negotiations between Watch Committee, magistrates, chief constables and inspectors fuelled police expansion in line with population growth (see table 1.3). Police strength improved relative to the population between 1857 and 1881, although austere spending restraint in the 1880s meant that some previous gains were lost.<sup>91</sup> In spite of continued tensions between senior officers and their employers, the 1860s and 1870s marked an unprecedented period of consistent growth in manpower relative to the population. Yet one should not get carried away by such apparent progress, for these neat figures mask periodic setbacks. Despite the addition of 25 men between 1863 and 1871, for example, the police-to-population ratio actually worsened, leaving the force unable to cover its beats adequately.<sup>92</sup> It is also striking that the police-to-population ratio improved only marginally between 1857 and 1890; even disregarding occasional shortfalls in manpower, the police establishment was little bigger relative to the population after 30 years of continual growth. The Leeds Police was clearly better resourced in this period than it had been previously, yet it would be a mistake to suppose that they had sufficient men throughout this period.

In any case, the expansion of the police establishment after 1856 posed its own problems.<sup>93</sup> The huge intake of manpower in 1857, for example, was correlated with a spike in the dismissal rate. Taken on in a hurry, these men were perhaps of inferior quality;

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<sup>90</sup> Parris, 'Home Office', pp.242, 255; John Davis, 'Central Government and the Towns' in Martin Daunton (ed.), *The Cambridge Urban History of Britain*, volume three, Cambridge: Cambridge University Press, 2000, pp.265-66.

<sup>91</sup> See Hennock, *Fit and Proper Persons*, pp.222-23.

<sup>92</sup> W.C.10, 16/6/71, p.69 (insert).

<sup>93</sup> Further on issues raised in this paragraph see below, chapter two.

	<b>Policemen</b>	<b>Population</b>	<b>Police-to-population ratio (nearest whole number)</b>
<b>1857</b>	221	-	-
<b>1861</b>	223	207,153	1:929
<b>1866</b>	270	-	-
<b>1871</b>	301	259,212	1:861
<b>1876</b>	340	-	-
<b>1881</b>	400	309,126	1:773
<b>1886</b>	421	-	-
<b>1891</b>	423	367,505	1:869

**Table 1.3: Police manpower and population in Leeds, 1857-1891.**  
**Sources: Parliamentary Papers, 'Judicial Statistics' (1857-1891).**

the inexperienced new recruits were more likely to be discharged for misconduct than their long-serving colleagues. More generally, the consequences of the 1856 Act – the growth of the police and its more fragmented distribution – challenged the capacity of senior officers to make the force function as a coherent unit. Maintaining efficiency thus required organisational improvements. One significant reform came in 1869, when Wetherell reclassified the force into four separate divisions, each responsible for distinct territories, apparently ensuring better supervision of the men than hitherto.<sup>94</sup> Previously, each out-township section was controlled by just one sergeant who, retiring early, often left the night constables without direction; by contrast, under the new scheme, each division had a superintendent and two inspectors. Furthermore, constables no longer had to parade for duty at the Town Hall, a 'defective' practice which deprived 'important quarters of the town of police supervision when a relief is taking place'. Organising reliefs within each

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<sup>94</sup> W.C.9, 9/7/69, pp.184-86.

division was meant to ensure 'a more constant watch' in outlying parts of the borough, and thus constituted an important adaptation to growth.<sup>95</sup>

## Information and Technology

Despite such refinements, police expansion posed more systemic organisational challenges. How were the growing ranks of men to be mobilised to deal with specific problems and achieve particular outcomes? In large part, this was a question of information – its accumulation, organisation, exchange and deployment. Nineteenth-century policing depended upon processes which delivered particular pieces of intelligence to the appropriate people. While much of this bureaucratic infrastructure has evaded the archive, one can partially reconstruct practices of information management, and attempts to improve them. The development of such technical procedures was a key aspect of nineteenth-century police reform, although few historians have paid it careful attention.<sup>96</sup> What remains of this chapter traces improvements in the police bureaucracy in Leeds from the 1850s.

Throughout its early years, observers periodically criticised police administration in Leeds. Mr Barr (secretary to the justices) complained in 1850 about the lack of any fixed 'plan of communication' between the detectives and the Chief Constable: 'he frequently

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<sup>95</sup> Quotations at W.C.9, 19/3/69, p.154.

<sup>96</sup> Most existing work focuses exclusively on offender identification techniques: see Petrow, *Policing Morals*, chapter four; Richard W. Ireland, 'The Felon and the Angel Copier: Criminal Identity and the Promise of Photography in Victorian England and Wales', *Criminal Justice History* 16 (2002), pp.53-86; Terry Stanford, 'Who are you? We have Ways of Finding out! Tracing the Police Development of Offender Identification Techniques in the Late Nineteenth Century', *Crime and Misdemeanours* 3 (2009), pp.54-81; Shpayer-Makov, *Ascent of the Detective*, pp.49-52. Chris A. Williams is currently preparing a rather broader account: *Directing Britain's Police, 1780-1980: from Parish Constable to the National Computer*, Manchester: Manchester University Press, forthcoming, 2013.

saw the Detective Force leave the Police office in a morning before the Chief Constable arrives [sic] there.’<sup>97</sup> Little wonder, then, that Barr doubted Read’s ability to halt the recent spate of robberies in the borough. Three years later, Read and Ullart, another senior officer, had to be instructed by the Watch Committee to remain at the Police Office until Superintendent James arrived at night.<sup>98</sup> On his first visit to Leeds, Woodford further called attention to the ‘want of system’ in the force.<sup>99</sup> These deficiencies owed in part to Read’s growing infirmity (see below, chapter two), yet they also demonstrate the naivety of early police administration, which lacked the bureaucratic routines which became increasingly characteristic from the 1860s.

An early example of the systematic organisation of police intelligence was the collection of criminal statistics. While its precise origin is unclear, data was certainly being collected by about 1850. Towards the end of 1849, the Watch Committee requested weekly notification of robberies, together with details of their detection.<sup>100</sup> A year later, Read was able to prepare a six-month retrospective analysis of crime in the borough.<sup>101</sup> General quarterly reports followed on various matters – crime, prostitution, beerhouses, common lodging houses<sup>102</sup> – which from 1852 were turned into annual police reports, with a brief summary and introduction from the chief constable.<sup>103</sup> The collection of criminal statistics is yet another example of how local governors anticipated reforming police legislation in the nineteenth century. In spite of its deficiencies, this data formed the primary basis for assessing the state of crime in the borough thereafter.

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<sup>97</sup> W.C.3, 1/2/50, p.199.

<sup>98</sup> W.C.4, 29/7/53, p.180.

<sup>99</sup> W.C.5, 18/12/57, p.249.

<sup>100</sup> W.C.3, 28/12/49, pp.182-83.

<sup>101</sup> W.C.3, 27/12/50, p.314.

<sup>102</sup> W.C.3, 2/5/51, pp.360-61.

<sup>103</sup> Leeds Police Reports (1852). While only one such report (1867) survives for the years 1853-1877, it is clear from the Watch Committee minutes that statistical surveys were compiled throughout this period.



Besides this kind of aggregate criminal information, the Leeds Police became increasingly adept at collecting intelligence on specific criminals from the 1860s. Watch Committee accounts reveal expenditure on procuring 'photographs of thieves' by 1864.<sup>104</sup> While the magistrates' court remained the primary school of criminal identification,<sup>105</sup> the accumulation of photographs nonetheless represents a notable advance in the potential for suspect identification and recognition. Later that decade came the habitual criminals legislation, and so the first formal efforts to document 'known thieves and depredators', as well as vagrants and tramps, district-by-district.<sup>106</sup> Driven partly by changing perceptions of the criminal offender,<sup>107</sup> a combination of local initiative and legislative compulsion led to the accumulation of progressively more information on particular, known offenders in the second half of the nineteenth century.

As the force grew, collecting more and more information, efforts to reform mechanisms of internal communication proliferated. This was partly a matter of technology: in 1868, at considerable expense, the Watch Committee approved the installation of telegraphic communications connecting the principal police offices.<sup>108</sup> Intelligence could now be relayed more quickly and efficiently between the stations. Throughout the later nineteenth century, various chief constables made further refinements to reporting procedures, with the aim of improving and accelerating the transfer of information through the police machine. Chief Constable Henderson, whose short tenure

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<sup>104</sup> W.C.8, 10/8/64, p.8.

<sup>105</sup> See Stanford, 'Who are you?', pp.57, 62-66; B. Leeson, *Lost London: the Memoirs of an East End Detective*, London: Stanley Paul, 1934 (?), pp.83-84.

<sup>106</sup> For orders to collect this data, see W.Y.A.S., LC/Police/3/1: Leeds Police General Orders, volume one (G.O.1), 6/9/67, no page; G.O.2, 22/9/68, pp.67-68.

<sup>107</sup> See Martin J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, Cambridge: Cambridge University Press, 1990; Victor Bailey, 'The Fabrication of Deviance: "Dangerous Classes" and "Criminal Classes" in Victorian England' in John Rule and Robert Malcolmson (eds), *Protest and Survival: the Historical Experience: Essays for E.P. Thompson*, London: Merlin Press, 1993, pp.239-241.

<sup>108</sup> W.C.9, 21/2/68, p.48. The cost had previously been estimated at £831: see W.C.9, 13/12/67, p.28.

lasted from 1875 to 1878, was especially concerned to improve internal communication. In March 1875, he ordered that all housebreaking intelligence received at the divisional stations be sent *immediately* to the detective department and, in more serious cases, to the Town Hall.<sup>109</sup> Just two months later, he instructed that reports must be dispatched daily at 10am, 2pm and 6pm, 'except in the case of any serious report occurring between these hours or after 6pm when a special messenger should be sent to the Town Hall with the report, or a telegram sent.'<sup>110</sup> When a suspect was wanted, officers were to fill out 'Route form No.2', giving full details of the individual, their habits and resorts, and dispatch it 'to the Detective Office at once in order that it may then be sent round all the Chief Divisional Stations to enable every member of the Force to be put in possession of the information.'<sup>111</sup>

Henderson regularly revised and updated these procedures to ensure that communication remained as rapid as possible. In 1877, he ordered night clerks at the divisional stations to copy reports of stolen property received from the detective department, allowing their distribution to local pawnbrokers *first thing in the morning*.<sup>112</sup> More generally, he was preoccupied with being kept in full command of local criminal intelligence. By 1876, he expected to receive the 'Daily State' forms from the divisional superintendents by nine o'clock every morning. These detailed the general condition of the force, together with a 'Daily Report of Occurrences', including 'all sudden deaths, serious assaults or disturbances, housebreakings, or serious crimes, and generally everything of any consequence occurring on the Division'. On top of this, he demanded knowledge of any disciplinary incidents, plain clothes or special duties, public meetings, and applications for

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<sup>109</sup> G.O.3, 5/3/75, pp.275-76.

<sup>110</sup> G.O.3, 25/5/75, p.293.

<sup>111</sup> G.O.3, 25/5/75, p.294. On the route form, see Barry S. Godfrey, David J. Cox and Stephen D. Farrall, *Serious Offenders: a Historical Study of Habitual Criminals*, Oxford: Oxford University Press, 2010, p.100.

<sup>112</sup> G.O.4, 17/1/77, p.106.

summonses – each of these particulars, from each division, every morning.<sup>113</sup> Police information management was clearly becoming increasingly sophisticated; in theory, the time taken for key pieces of data – especially respecting burglary and housebreaking – to reach constables, detectives and the chief constable was gradually diminishing.<sup>114</sup>

Following the 1856 Police Act, there were also further opportunities for sharing criminal intelligence *between* police forces. A key concern raised at the 1852-53 Select Committee on Police was the degree of suspicion between neighbouring policemen, and various police chiefs called for the amalgamation of local forces.<sup>115</sup> While Chadwickian visions of a unified, national police failed to materialise, there developed extensive collaboration and information exchange between separate police forces as the century wore on. In 1867, Wetherell directed his men to report immediately any intelligence received as to prize fights taking place in the borough, so that police in the West Riding could be informed, lest the offending parties opt to leave town by train to complete their contest.<sup>116</sup> More regular arrangements developed over time, and by 1872, the Leeds Police were in receipt of three West Riding Constabulary reports each week. Superintendents were required to read and explain these to the men at every relief, while copies were given to inspectors, sergeants and ‘those Constables on the most important beats and through fares’, for reference while on duty. Notices derived from these reports were also sent immediately to ‘pawnbrokers, silversmiths, and general dealers... so that these persons may have the earliest information of all property stolen in the West Riding’.<sup>117</sup> Two years later, constables were instructed to report all un-identified property in a prisoner’s possession to

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<sup>113</sup> G.O.4, 27/1/76, pp.41-42 (quotation at p.41).

<sup>114</sup> The practical consequences of these reforms are assessed below, p.116.

<sup>115</sup> P.P., ‘First Report from the Select Committee on Police’ (1852-53), pp.46, 49, 77-78, 81, 95-97, 102, 115, 119.

<sup>116</sup> G.O.1, 19/6/67, no page.

<sup>117</sup> G.O.3, 3/1/72, p.12.

the detective office, to allow notices to be placed advertising the goods in the *Police Gazette* and *West Riding Gazette*.<sup>118</sup> By sharing such information, the Leeds and West Riding forces hoped to combat a section of criminal activity which had previously evaded their grasp.

## Conclusion

The experience of reform in Leeds sheds ample light on the relative balance of power between the centre and localities in nineteenth-century police governance. From the perspective of a single borough, reform resembles less the unfolding of the London model in the provinces, than the culmination of numerous distinct influences and perspectives. We have seen variously the provincial yardstick of police efficiency (in night watch reform), the importance of the metropolitan model (in 1836), and the continuing importance of local control (both in the out-townships and Leeds proper). The second half of the century witnessed the progressive erosion of the purely local conception of policing, under the influence of government inspection, the regular rotation of chief constables, and a heightened awareness of police developments elsewhere. While historians continue to argue over the role of concerns about crime and public order in the formation of the new police, both were visible in the reform process in Leeds.<sup>119</sup> The Watch Committee worried chiefly about the state of crime, while the magistrates (and to a lesser extent the Home

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<sup>118</sup> G.O.3, 24/3/74, pp.205-206.

<sup>119</sup> Assessed over an extended period, reform perhaps appears less simply a matter of parochial opportunism than the initial transition from old to new police: see Chris Williams, 'Expediency, Authority and Duplicity: Reforming Sheffield's Police, 1832-40' in Robert J. Morris and Richard H. Trainor (eds), *Urban Governance: Britain and Beyond since 1750*, Aldershot: Ashgate, 2000, pp.115-127.

Office) were more explicitly attentive to the threat of riot. Inevitably, such nuances are lost in sweeping national narratives; this is not an argument against such narratives, but simply a reminder that one's assessment of the 'character' of police reform – even in a specific locality – depends upon when one looks and to whom one listens.

Throughout this narrative are recurring conflicts between local governing agencies, as sensitivity to costs held the grander reforming visions in check. Yet without doubt, the police establishment was far more impressive in 1890 than it was in 1830, or 1836, or even 1857. The force grew appreciably over this period, and its administration became increasingly sophisticated from the 1860s. At almost all stages in its undeniably chequered history, the Leeds Police was getting a little bigger and a little smarter. The broader view one takes of this process, however, the more liable it is to become abstracted from the actual contours of social experience. Put another way, this portrait of progressive institutional improvement and extension provides only a starting point from which to confront the broader problem of policing in practice, its effectiveness and social consequences. Before confronting that particular issue, however, this thesis establishes further starting points, by assessing the suitability of the actual men who made up the police force.

## **Chapter Two: The Men in the Machine**

It is already clear that the police establishment in Leeds was transformed in scale, geographical reach, organisation and technical capability over the course of the nineteenth century. To stop there, however, would be to offer a history of the police with the policemen left out. Radical historians of policing sometimes fell into this trap, dwelling upon the reach of the criminal law and the policies of chief constables rather than the difficulties encountered (and evaded) by the men tasked with enforcing these measures.<sup>1</sup> As Clive Emsley explained, ‘laws have to be enforced by functionaries who are fallible, sometimes prejudiced, and who use discretion in the way that they perceive and act upon legislation’.<sup>2</sup> Therefore this chapter places the ordinary constable at the heart of the analysis, yet without developing a full social history of police labour.<sup>3</sup> Rather, it demonstrates that the reforming designs of senior officers and local governors were often compromised as the rank-and-file struggled to put them into practice. What follows therefore casts doubt upon the efficiency of policing even in such a large and technically sophisticated force.

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<sup>1</sup> A couple of classic works troubled by this omission are Storch, ‘Domestic Missionary’, pp.481-509, and Gatrell, ‘Policeman-State’, pp.243-310.

<sup>2</sup> Clive Emsley, “‘Mother, what did Policemen do when there weren’t any Motors?’” *The Law, the Police and the Regulation of Motor Traffic in England, 1900-1939*, *The Historical Journal* 36 (1993), p.367.

<sup>3</sup> For recent work in this area see above, pp.16-17.

## Turnover and Experience

A key problem facing early police forces was the difficulty of retaining personnel; turnover rates remained notoriously high long into the nineteenth century. Based on extensive research in Middlesbrough, David Taylor has argued that the new police forces progressed from a chaotic early period, in which dismissal was common, to a more disciplined, mature era from the 1870s.<sup>4</sup> Turnover rates in the Leeds Police conform to the same broad trend, yet one must not lose sight of important short-term setbacks in this narrative of progress (see table 2.1). Its very early years were blighted by high dismissal rates, yet the force had stabilised by the 1840s; there followed a period of higher turnover in the 1850s and 1860s, before a more prolonged period of relative calm from the mid-1870s. Furthermore, dismissal rates peaked after periods of major recruitment and re-organisation, especially 1836 and 1856-57. In other words, the two most impressive episodes of expansion in the force were immediately followed by draining periods of high turnover. The difficulties of assimilating large numbers of inexperienced constables thus complicated reforming initiatives in the new police forces.

While historians have rightly stressed the severity of discipline in the early police forces, the drain on manpower in Leeds resulted from resignations as much as dismissals. From the late-1850s, the majority leaving the force did so of their own volition. The Watch Committee recognised the severity of this problem, appointing a sub-committee in 1861 to

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<sup>4</sup> Taylor, *Policing the Victorian Town*, chapters three and seven; Taylor, *New Police*, chapter three. See also Shpayer-Makov, *Making of a Policeman*, pp.80-83; W.J. Lowe, 'The Lancashire Constabulary, 1845-1870: the Social and Occupational Function of a Victorian Police Force', *Criminal Justice History* 4 (1983), pp.54-57.

	Resignations	Dismissals	Turnover	Number of Policemen	Turnover of police (per cent, to three significant figures)	Number of constables	Turnover of constables (per cent, to three significant figures)
1838-39	11	38	49	107	45.8	-	-
1841-42	-	-	-	133	-	-	-
1844-45	9	10	19	142	13.4	-	-
1847-48	4	13	17	128	13.3	-	-
1850-51	17	24	41	134	30.6	-	-
1853-54	19	18	37	152	24.3	-	-
1856-57	26	16	42	153	27.5	-	-
1857-58	34	51	85	221	38.5	-	-
1859-1860	71	23	94	221	42.5	181	51.9
1862-63	43	34	78	228	34.2	185	42.2
1865-66	73	25	98	263	37.3	220	44.5
1868-69	36	17	53	307	17.3	257	20.6
1871-72	47	12	59	301	19.6	239	24.7
1874-75	55	22	77	315	24.4	254	30.3
1877-78	24	13	37	340	10.9	277	13.4
1880-81	28	10	38	375	10.1	303	12.5
1883-84	18	4	22	411	5.35	335	6.57
1886-87	13	9	22	421	5.23	345	6.38
1889-1890	33	7	40	443	9.03	351	11.4

**Table 2.1: Turnover of personnel in the Leeds Police, 1838-1890.**

**Sources:** Leeds Watch Committee Minutes, volumes 1-15; Parliamentary Papers, 'City and Borough Police' (1854), p.33; Parliamentary Papers, 'Judicial Statistics' (1857-1891).



enquire into its causes. Their report revealed that 233 men – the equivalent of the entire force – had resigned over the preceding five years.<sup>5</sup> Further analysis showed that resignations came chiefly from new recruits: 26 per cent had served less than three months, and 77 per cent less than two years.<sup>6</sup> This was a pattern common to the new police forces: the constable who withstood the disciplinary regime for the first few years of service was much more likely to remain in the police long-term.<sup>7</sup>

Uncovering the changing extent and distribution of *experience* within the force is much more challenging than simply charting resignations and dismissals. Tracking individual men through the records is not possible within the bounds of this study. Helpfully, however, the sources offer occasional snapshots of the men, including the Watch Committee's force record of 1859.<sup>8</sup> This survey confirms that most had but a couple of years' experience in the force: 18 per cent had been in the job for less than a year, and 52 per cent for less than three years. More striking, however, is the converse: almost half had served in Leeds for at least three years. This is especially impressive given that about a third of the force had only recently been recruited following the 1856 County and Borough Police Act. There was also already a core of highly experienced men: 27 per cent had served at least ten years in the force. This group included most of the senior officers, yet it was mainly composed of sergeants and constables.<sup>9</sup> Thus, on the eve of the 1860s, the Leeds Police was already blessed with a considerable pool of experienced men at all ranks.<sup>10</sup> A generation later, the level of experience at the base of the force had risen

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<sup>5</sup> W.C.6, 14/6/61, p.279.

<sup>6</sup> W.C.6, 14/6/61, p.280.

<sup>7</sup> Taylor, *Policing the Victorian Town*, pp.117-18.

<sup>8</sup> See W.C.6, 8/7/59, p.74, 22/7/59, pp.78-84.

<sup>9</sup> The 56 long-serving men included 10 sergeants and 37 constables.

<sup>10</sup> On the significant minority of 'career' policemen in these early days, see Emsley, *English Police*, pp.200-205.

considerably: by 1888, 74 per cent of constables had served at least four years in the force, while as much as 38 per cent had over ten years' experience.<sup>11</sup>

## **Inefficiencies**

If the high rate of turnover casts a shadow over police efficiency, so too does the actual quality of the men themselves. Irrespective of how long they served, many nineteenth-century policemen were deemed inadequate by their paymasters or superiors for one reason or another. Frustratingly, the Watch Committee were wedded to a banal, uninformative vocabulary of inefficiency; it is therefore difficult to reconstruct changing ideas of inadequacy in police personnel, and so its significance for police efficiency. For present purposes, though, a simpler argument will suffice: just like the much disparaged night watchmen whom they succeeded, the 'new' policemen were repeatedly condemned as unfit to perform their duties.

It is impossible to discern what lay behind most cases of 'inefficiency'. In 1861, for example, Sergeant Rose was cautioned simply for 'general inefficiency',<sup>12</sup> while eight years later Alfred Holdsworth was dismissed 'for negligently discharging his duty and general inefficiency'.<sup>13</sup> On occasion, though, the Watch Committee received broader statements concerning 'inefficiency' in the force at large. The results of many such enquiries have not survived,<sup>14</sup> yet a couple offer valuable insights into the state of the men. A report of 1848 concluded that the day force was in a satisfactory condition, yet expressed

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<sup>11</sup> Leeds Police Reports (1888), table 24.

<sup>12</sup> W.C.6, 11/10/61, p.309.

<sup>13</sup> G.O.2, 5/2/69, p.107.

<sup>14</sup> For example, one sub-committee to enquire into inefficiency in the day police: see W.C.2, 3/4/46, p.350.

serious reservations about the night police. Of these men, 39 (about two-fifths of the total) were deemed 'most efficient', while the rest fell below expected standards: 47 were only 'moderately efficient', and 12 plainly 'inefficient' men were recommended for dismissal at the earliest opportunity.<sup>15</sup>

Moreover, those labelled 'inefficient' were sometimes permitted to continue in police service. Of the twelve men recommended for swift dismissal in 1848, only two were discharged immediately, while a survey of the Watch Committee minutes suggests that five were still serving by the end of 1850. Of the five who left in the intervening period, three were not dismissed, but resigned. Constable Frith even received a further caution for neglect of duty in the meantime,<sup>16</sup> but was allowed to remain in the force. These observations cast doubt not only on the quality of men in the Leeds Police, but also whether turnover figures are a reliable indicator of police efficiency; the 1840s was a decade of relative stability in police employment, and low dismissal rates, yet this does not necessarily mean that the men met the requisite standard.<sup>17</sup> Even by the late nineteenth century, men deemed inadequate were not always expelled from the force. An 1888 report to the Watch Committee frankly admitted that 'inefficient constables in the Force are never reported either to the Chief Constable or to the Watch Committee, unless they are guilty of some specific breach of discipline or act of misconduct.'<sup>18</sup> Strict though it undoubtedly was, police discipline did not systematically purge the force of men whose suitability for police work was in question.

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<sup>15</sup> W.C.3, 11/8/48, pp.29-31.

<sup>16</sup> W.C.3, 11/1/50, p.188.

<sup>17</sup> Acute economic hardship probably kept resignation rates low in this period.

<sup>18</sup> W.C.15, 11/5/88, p.95. This report also identified six constables who were inefficient, and requested their resignations: W.C.15, 11/5/88, p.96.

In cases of 'neglect of duty' one often gains some insight into why certain men failed to please the Watch Committee. Some omitted to secure an arrest when it was considered appropriate: James Fewingley failed to apprehend a drunken man under suspicious circumstances in 1838,<sup>19</sup> while a generation later John Christensen was reprimanded for allowing a prisoner to escape.<sup>20</sup> Some such scenarios have an almost helpless ring to them; it is hard to take seriously the apparent sophistication of the new police once acquainted with Joseph Wilkinson, who in 1851 was reprimanded and ordered to pay for replacement handcuffs after he allowed a prisoner, cuffed and in his custody, to get away.<sup>21</sup> Cautions were also routinely handed out to those who failed to notice occurrences on their beats, especially thefts.<sup>22</sup> Finally, sanctions were regularly imposed for missing part of a beat,<sup>23</sup> and even sleeping on duty.<sup>24</sup> The caricature of the watchman dozing at his post is rarely applied to the uniformed 'Bobby', yet it is not entirely out of place.

While some constables singularly failed to do their job properly, there was rarely a clear divide between the diligent and the negligent. The case of Constable Hirst illustrates this point nicely. He was cautioned on 17 February 1843 'not to exceed his duty' after Mr Graham, a wheelwright, complained to the Watch Committee that he and his son had been improperly apprehended by Hirst whilst returning home from work.<sup>25</sup> Just a couple of weeks later, Hirst was again called before the Committee, this time for *neglect* of duty in allowing a prisoner to escape.<sup>26</sup> He was finally dismissed shortly thereafter, following a

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<sup>19</sup> W.C.1, 16/2/38, p.22.

<sup>20</sup> W.C.8, 8/2/67, p.255.

<sup>21</sup> W.C.3, 17/1/51, p.323.

<sup>22</sup> W.C.6, 8/7/59, p.68.

<sup>23</sup> W.C.7, 6/6/62, p.74.

<sup>24</sup> W.C.3, 21/12/49, p.181; W.C.9, 2/9/70, p.284.

<sup>25</sup> W.C.2, 17/2/43, p.25.

<sup>26</sup> W.C.2, 3/3/43, p.28.

complaint that he had been drunk at the Leeds Arms Inn.<sup>27</sup> It is difficult to pigeon-hole Hirst – he is over-zealous one week and a negligent liability the next. His experience demonstrates that there was not simply a minority of inefficient constables sealed off from the rest of the men; the strictness of police discipline, together with the challenges constables faced on their beats, meant that the charge of neglect constantly hung over the constabulary at large.

While some policemen displayed a certain laxity, others were considered physically incapable of doing the job. The Watch Committee took a dim view of those lacking the physical stature considered necessary to exude police authority.<sup>28</sup> The 1848 report into police efficiency found that 24 night policemen (including two sergeants) measured under the regulation height of five feet and seven inches. Some of these were probably able to fulfil their duties just as well as the next man, yet it is perhaps hard to imagine Constable Austerbury – measuring a mere five feet, two-and-a-half inches – commanding respect on the streets: he stood perhaps six inches shorter than the average working-class man.<sup>29</sup> Earlier that year, the Committee had expressed concern after a similar enquiry found that the night police as a whole lacked a certain physical presence.<sup>30</sup> In an age when ‘toughness’ was a key constituent of working-class masculinity, and the ability to impose authority on the local population was central to effective policing, the diminished stature of certain policemen was perhaps not as trivial as it first appears.<sup>31</sup>

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<sup>27</sup> W.C.2, 24/3/43, p.31.

<sup>28</sup> On the centrality of physique to contemporary assessments of police efficiency, see Shpayer-Makov, *Ascent of the Detective*, p.82; Dodsworth, ‘Masculinity as Governance’, pp.46-49.

<sup>29</sup> W.C.3, 11/8/48, pp.29-31; Roderick Floud, Kenneth Wachter and Annabel Gregory, *Height, Health and History: Nutritional Status in the United Kingdom, 1750-1980*, Cambridge: Cambridge University Press, 1990, table 4.1. For the importance of physique in police self-identity, see Clapson and Emsley, ‘Street, Beat and Respectability’, pp.122-24; Paul Lawrence, ‘Scoundrels and Scallywags’, pp.131-32.

<sup>30</sup> W.C.2, 14/1/48, pp.504-509.

<sup>31</sup> See Clive Emsley, *Hard Men: the English and Violence since 1750*, London: Hambledon and London, 2005. For those who looked back from the late twentieth century to a remembered ‘golden age’ of the

More pressing than physical stature, however, was the problem of infirmity. An enquiry in 1850 revealed that a significant portion of the day police was in a poor physical condition. The surgeon reported in detail on 20 men: some were fit for duty, yet others suffered from the effects of drink, or were simply 'run down' from years of physical labour.<sup>32</sup> Some cases were clearly acute, such as Thomas Wilkinson, aged 41, about whom the surgeon noted: 'I consider him to be a man who has drank [sic] freely and thereby deteriorated his constitution. He is lame from enlargement of the left Knee, and has also varicose veins in the legs. He is unfit for the duties of a policeman'.<sup>33</sup> Most cases were less severe, yet five men were dismissed following the surgeon's investigation, one demoted, four transferred to the night police and three cautioned as to intemperance.

Again, such problems were not isolated to a distinct few. Nine years later, Chief Constable English notified the Watch Committee of a further twelve men (with a median of almost twenty years' service in the force) whom he considered physically incapable of fulfilling their duties.<sup>34</sup> That same year, Captain Woodford (Inspector of Constabulary) expressed his concerns regarding both the poor condition of new recruits and the growing infirmity of older men.<sup>35</sup> Beyond such periodic assessments, individuals were occasionally discharged from the force for being insufficiently robust. Some were clearly desperate cases: in 1851 the surgeon condemned John Kirkby, just 35 years of age, as 'emaciated...suffering from exclusive organic Disease, of the heart and lungs', unfit for

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authoritative local 'Bobby' in the 1940s and 1950s, the policeman's physical stature – or 'clout' – was key: see Ian Loader and Aogán Mulcahy, *Policing and the Condition of England: Memory, Politics, and Culture*, Oxford: Oxford University Press, 2003, chapter three.

<sup>32</sup> W.C.3, 10/5/50, pp.242-47, 24/5/50, pp.248-254. On the prevalence of sickness in the Metropolitan Police, see Shpayer-Makov, *Making of a Policeman*, pp.135-38.

<sup>33</sup> W.C.3, 10/5/50, p.243.

<sup>34</sup> W.C.6, 24/6/59, pp.64-65.

<sup>35</sup> W.C.6, 16/12/59, pp.127-28.

police duty and possibly close to death.<sup>36</sup> Francis Shuttler, recruited in 1873, was surely as incapable as the most infirm night watchman: in just under four years' service he had spent 279 days on the sick list, before he was finally discharged with a grant of five pounds.<sup>37</sup> These were exceptional cases, yet many others – most simply worn out by police service – were dismissed or required to resign.

While the physical quality of recruits almost certainly improved after the 1850s, infirmity did not go away.<sup>38</sup> The development of greater experience in the force may have aided police efficiency, yet it also produced a large constituency of aging policemen. English's 1859 report deplored the condition of twelve experienced men, most of whom were at least in their fifties.<sup>39</sup> From the 1870s, a steady and sustained wave of men left the force due to 'infirmity'. William Bywater, having served about 35 years, must have been an extremely experienced and knowledgeable policeman, yet by 1872 he was, in Chief Constable Wetherell's opinion, very much worn out by the length of his service, 'disabled from infirmity of body (having entirely lost the sight of one eye) to discharge the ordinary duties of a Police Constable'.<sup>40</sup> Another veteran, Benjamin Clarke, who had been with the Leeds Police for over 25 years, was by 1875 considered unfit for duty, owing principally to an 'infirmity of mind'.<sup>41</sup> Most policemen, of course, were neither blind nor senile: they were physically able men at about the prime of life. Yet one cannot avoid the very real possibility – given the regularity with which superannuated men were labelled 'worn out'

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<sup>36</sup> W.C.4, 5/9/51, p.3.

<sup>37</sup> W.C.12, 9/2/77, p.71.

<sup>38</sup> Judging from stagnant growth in working-class physical stature by the mid-nineteenth century, the condition of policemen may have improved ahead of the general population, thanks to selective recruitment: see Floud, Wachter and Gregory, *Height, Health and History*, figure 7.1.

<sup>39</sup> W.C.6, 24/6/59, pp.64-65.

<sup>40</sup> W.C.11, 17/10/73, p.16.

<sup>41</sup> W.C.11, 26/11/75, pp.223-24.

or 'unfit' – that, after some critical point in a policeman's career, the gains of experience were outweighed by progressive physical decline.

One case of infirmity which particularly troubled the Watch Committee, and even the Home Office, was that of Chief Constable Read, whose ability to discharge his duties was disputed for much of the 1850s. By 1848, ill health prevented him from attending work for as long as thirteen weeks, and on inspection the police surgeon was uncertain of the prospects for recovery.<sup>42</sup> An enquiry in 1850 heard much damning evidence against him, especially from Mr Barr, secretary to the magistrates, who spoke of Read's 'supineness', and of seeing him fall asleep in court.<sup>43</sup> Following such testimony, the Watch Committee resolved that 'the retirement of Mr Read from the office of Chief Constable would conduce to the efficiency of the Police Force'.<sup>44</sup> He was not, though, forced to resign, and with improving health later in the year he remained in post.<sup>45</sup>

With time, however, illness reasserted itself, and his position became untenable as the 1850s drew to a close. The magistrates reiterated their dissatisfaction with his performance in 1855, complaining that he was failing to carry out his duties at court owing to sickness and advancing infirmity.<sup>46</sup> The situation became desperate, however, in 1857, following the first government inspection. The Watch Committee, having considered Woodford's report, gave Read three months' notice to retire, as he was quite 'worn out by length of service'.<sup>47</sup> However, following the Council's intervention, this order was rescinded two months later.<sup>48</sup> A struggle thus developed both locally between the Council and magistrates, and remotely between the Council and Home Office, with the Watch

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<sup>42</sup> W.C.2, 14/1/48, p.505.

<sup>43</sup> W.C.3, 1/2/50, pp.199-201.

<sup>44</sup> W.C.3, 1/2/50, p.194.

<sup>45</sup> W.C.3, 7/6/50, p.257.

<sup>46</sup> W.C.4, 27/4/55, pp.342-44.

<sup>47</sup> W.C.5, 31/8/57, p.212.

<sup>48</sup> W.C.5, 2/10/57, pp.224-25.



Committee caught in the middle. Under the pressure of central oversight, however, the Council was forced to yield. At the end of 1858, the Watch Committee again resolved to retire Read,<sup>49</sup> shortly before receiving a letter from the Home Office expressing concern at his age and growing infirmity.<sup>50</sup> While the gradual pace of Read's physical decline may have played a part, it seems that Woodford's intervention was crucial to securing his departure within eighteen months of the first inspection. This episode thus further underscores the impact of the 1856 Act on local policing in Leeds.

Even if the majority of policemen were normally fit enough, periodic absences posed a further threat to police efficiency. Constables occasionally missed their beats due to illness, the cumulative effect of which was considerable. In 1864, Chief Constable Bell compiled a return of absenteeism for the preceding year, which revealed that a total of 3,866 days had been lost, the overwhelming majority (3,119) due to 'ordinary or particular illness'.<sup>51</sup> Absence for other reasons was more common among married men, suggesting that domestic crises – including family sickness and hardship – also interfered with the working lives of policemen. Fifteen days' absence per man was hardly a desperate annual tally of non-attendance,<sup>52</sup> yet given the Watch Committee's rather minimalist recruitment policy, the force was never in a position to accommodate even moderate losses in strength.

From the 1860s, concerns about the quality of the men were refracted in an internal debate over police pay. Higher wages would, it was assumed, attract a better standard of

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<sup>49</sup> W.C.6, 3/12/58, p.9.

<sup>50</sup> W.C.6, 10/12/58, p.10.

<sup>51</sup> W.C.7, 6/5/64, p.272.

<sup>52</sup> Many absences may well have been recreational, given the extremely limited opportunities for leisure amongst policemen before the late nineteenth century: see Haia Shpayer-Makov, 'Rethinking Work and Leisure in Late Victorian and Edwardian England: the Emergence of a Police Subculture', *International Review of Social History* 47 (2002), pp.216-18.

recruit, and encourage him to forge a career in policing.<sup>53</sup> For this reason, the Watch Committee established a 'good service' class of constables in 1862, paid at the improved rate of 19s. per week.<sup>54</sup> They remained, however, characteristically reluctant to push ahead with further augmentations, and became locked during the 1860s in a running argument with government inspectors and chief constables – not to mention ordinary policemen themselves – over appropriate levels of remuneration. An 1865 sub-committee report considered pay at Leeds broadly in line with other forces, though small raises were awarded to certain patrol sergeants and detectives, while 'good service' constables were granted an annual leave of absence of between four and seven days.<sup>55</sup> Just a year later, the Committee agreed to further pay enhancements for constables, and a swifter programme for promotion, on account of Bell's expressed difficulty in retaining constables (he judged the constant turnover of men 'so prejudicial to the efficiency of the Force').<sup>56</sup> A memorial for increased pay from 142 policemen prompted further augmentations in 1867, though this time more systematically, supported by a sub-committee enquiry which found wages in most forces – including Manchester, Liverpool and the West Riding – 'much higher than Leeds'.<sup>57</sup>

The government inspectors selected police pay as a key priority in Leeds from the late 1860s.<sup>58</sup> Captain Elgee recommended the introduction of a new 'merit class' in 1869, to be paid an extra shilling per week.<sup>59</sup> The following year, his previous proposal not acted upon, he furnished a much fuller list of complaints, including the inadequate starting wage

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<sup>53</sup> Wetherell assumed a direct link between the rate of pay and quality of recruits: see W.Y.A.S., LC/Police/2: Leeds Chief Constable's Letter Book (C.C.L.), 30/3/71, pp.75-76.

<sup>54</sup> W.C.7, 20/6/62, p.80.

<sup>55</sup> W.C.8, 28/4/65, pp.81-82.

<sup>56</sup> W.C.8, 20/4/66, p.176. This followed a rash of resignations: see above, table 2.1.

<sup>57</sup> W.C.8, 7/6/67, pp.285-87 (quotation at p.286).

<sup>58</sup> This may have reflected increased pay and improved conditions in the Metropolitan Police around this time: Shpayer-Makov, *Making of a Policeman*, pp.173-74.

<sup>59</sup> W.C.9, 27/5/69, pp.173-74.

(just 19s.) for sergeants, and the excessive (two-thirds) stoppage in sick pay.<sup>60</sup> Perhaps inspired by the inspector's recommendations, the men prepared another memorial to the Watch Committee requesting, amongst other things, an augmentation in sick pay, and a day's leave in every fortnight. The Chief Constable, anxious to attract a better class of recruit, told the Committee that their requests were fair and in line with provision elsewhere.<sup>61</sup> Such arguments continued into the 1870s, testament both to the Committee's retrenching instincts and the determination of inspectors, chief constables and local governors to enhance the quality of recruits.

## **Misconduct**

Despite these efforts to attract superior men to the force, indiscipline remained a key concern. Sanctions for misconduct were regular and punitive throughout the nineteenth century; only after the First World War did a sizeable portion of men leave any significant period of police work with a clean record.<sup>62</sup> A quantitative analysis of punishments dispensed by the Watch Committee suggests certain patterns of wrongdoing in the Leeds Police over this period (see table 2.2). The first few years of the force, which witnessed a wave of dismissals (see above, table 2.1), were apparently blighted by an acute lack of discipline. Doubtless many new recruits struggled to adapt to the strict disciplinary regime

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<sup>60</sup> W.C.9, 8/4/70, p.250.

<sup>61</sup> W.C.9, 16/9/70, p.288, 30/9/70, pp.291-93. Note though that Wetherell did not consider another demand – a relaxation in the 'extreme stringency of punishments inflicted' – well founded.

<sup>62</sup> Klein, *Invisible Men*, chapter three.

	Total disciplinary incidents	Number of policemen	Disciplinary proceedings per 100 policemen (to three significant figures)	Number of constables	Disciplinary proceedings per 100 constables (to three significant figures)
1838-39	123	107	115	-	-
1841-42	-	133	-	-	-
1844-45	46	142	32.4	-	-
1847-48	47	128	36.7	-	-
1850-51	68	134	50.7	-	-
1853-54	44	152	28.9	-	-
1856-57	45	153	29.4	-	-
1857-58	134	221	60.6	-	-
1859-1860	70	221	31.7	181	38.7
1862-63	90	228	39.5	185	48.6
1865-66	74	263	28.1	220	33.6
1868-69	33	307	10.7	257	12.8
1871-72	31	301	10.3	239	13.0
1874-75	39	315	12.4	254	15.4
1877-78	37	340	10.9	277	13.4
1880-81	22	375	5.87	303	7.26
1883-84	26	411	6.33	335	7.76
1886-87	7	421	1.66	345	2.03
1889-1890	8	443	1.81	351	2.28

**Table 2.2: Disciplinary incidents coming before the Leeds Watch Committee, 1838-1890.**

**Sources:** Leeds Watch Committee Minutes, volumes 1-15; Parliamentary Papers, 'City and Borough Police' (1854), p.33; Parliamentary Papers, 'Judicial Statistics' (1857-1891).

which the new police instituted.<sup>63</sup> The level of sanctioned misconduct would never reassume such proportions, yet on average, one in four policemen faced disciplinary action before the Committee each year until the late 1860s. Given that the majority of those punished in this way were constables, an even higher proportion – one-third or more – is probably a more accurate reflection of disciplinary proceedings amongst the rank-and-file. In any case, it seems that misconduct was endemic in the force for much of the nineteenth century.

One must, though, exercise considerable care in interpreting this data. Firstly, as with any pool of deviant behaviour, there was a sizeable ‘dark figure’ of undiscovered police transgressions. In a few instances which *did* come to light, one can appreciate certain ways in which misconduct regularly escaped the historical record. Who knows, for instance, how many constables skipped duty to accompany Sergeant Henry Charles to the pub before he was reduced to the ranks for such conduct in 1880?<sup>64</sup> Secondly, by the end of our period, most breaches of discipline were dealt with summarily by the Chief Constable, as the divisional general orders make clear. Figures from ‘A’ division (the largest section of the force) show that he took summary jurisdiction in 263 cases between March 1880 and February 1881.<sup>65</sup> By this point, then, the Watch Committee was patently handling only a small minority of disciplinary incidents. By 1886, it even handed routine matters entirely over to the Chief Constable, which accounts for the collapse in disciplinary figures in the second half of the eighties.<sup>66</sup> Some cases which came before the Chief Constable concerned trivial transgressions, such as attending ten minutes late for parade, but the majority are

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<sup>63</sup> Steedman, *Policing the Victorian Community*, pp.107-108; Emsley, *English Police*, pp.215-16.

<sup>64</sup> W.Y.A.S., WYP/LE/A137/92: Leeds Police General Orders (A Division), p.209; W.C.13, 24/12/80, pp.229-230.

<sup>65</sup> On top of this, superintendents exercised authority in minor disciplinary matters independently of the chief constable by the 1880s: see G.O.5, 21/5/87, p.263.

<sup>66</sup> W.C.14, 12/2/86, pp.325-26.

indistinguishable from the kinds of incidents which had previously fallen within the Committee's remit.

More broadly, it is extremely difficult – as with criminal statistics – to distinguish deviance from control in these figures. Take, for example, the 1840s – on the face of it, the force was better disciplined at this time than in the more turbulent decades immediately before and after. Yet given the acute difficulties which blighted police governance in these years – not to mention regular criticisms of police misconduct in the press – the lull in disciplinary sanctions probably reflected a minimalist approach to police reform rather than an absence of malpractice. One cannot, therefore, take apparent trends in police offences at face value.<sup>67</sup> The quality of internal supervision, the disposition of local governors to impose sanctions, changes in the responsibility for disciplinary matters and conditions in the local labour market all had an impact on the extent of recorded police misconduct. In any case, misconduct in all its forms is much too large and diverse a problem to deal with here – it lies at the periphery of this study's interests. Specific kinds of deviance, however, had a direct bearing upon the ability of officers to perform their duties effectively, and so raise implications for police efficiency in general. Two varieties deserve particular attention: drunkenness and corruption.

If the police historian soon tires of one thing, it is reading about drunken policemen. The sheer weight of evidence amassed by the Watch Committee makes any detailed analysis of police drunkenness a daunting undertaking. A few examples will suffice to illustrate that the problem was not confined to the formative years of the new police. In just one week in 1862, one man was reprimanded, two dismissed, and three fined for

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<sup>67</sup> Prison disciplinary figures pose similar problems of interpretation: see Margaret E. DeLacy, 'Grinding Men Good? Lancashire's Prisons at Mid-Century' in Victor Bailey (ed.), *Policing and Punishment in Nineteenth-Century Britain*, London: Croom Helm, 1981, pp.194-95.

misconduct explicitly related to drink.<sup>68</sup> Four years later, again in a single week, two men were fined and one dismissed for being absent from their beats and found at home drunk.<sup>69</sup> Indeed, drunkenness remained the most pressing disciplinary problem throughout this period (see table 2.3). The Watch Committee heard progressively fewer cases over time, except for sharp, temporary rises in the late 1850s and 1860s. Yet the importance of drunkenness as a sub-set of police misconduct remained considerable: it often made up one-third of cases coming before the Committee, and in some years comprised the majority. Even this understates the scale of the drink problem within the force, though, as many other forms of transgression involved constables who had been drinking. Hence, into the 1880s, two-fifths of cases adjudicated by the Committee regularly featured alcohol.

In dealing with the drink problem, the Watch Committee deployed a wide range of sanctions. The reasons why some men were cautioned, others fined and still others dismissed, are often unclear. Good and long-standing constables who sometimes let their standards slip were probably treated with some lenience.<sup>70</sup> Most of the time, the Committee gave each man a second chance before dismissal. Bell's report into police drunkenness between 1861 and 1864 revealed that 67 men were fined and only 16 dismissed for a first offence, while for second offences 22 were fined and 33 dismissed.<sup>71</sup> When Chief Constable A.B. Nott-Bower and the Committee agreed standard punishments for drinking on duty in 1886, the first two offences were to be dealt with by fines, and the third offence by dismissal, though Nott-Bower warned that these rules 'would often have to be varied', including in cases involving long-serving officers.<sup>72</sup>

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<sup>68</sup> W.C.7, 7/3/62, pp.45-46.

<sup>69</sup> W.C.8, 16/2/66, p.162.

<sup>70</sup> The Middlesbrough Watch Committee was sometimes remarkably accommodating of certain experienced officers with a taste for drink: Taylor, *Policing the Victorian Town*, pp.122-24.

<sup>71</sup> W.C.7, 15/4/64, p.263.

<sup>72</sup> W.C.14, 12/2/86, p.326.

	Incidents of drunkenness	Total disciplinary incidents	Drunkenness as a proportion of all disciplinary incidents (per cent, to three significant figures)	Other disciplinary incidents involving drink	Proportion of all disciplinary incidents involving drink (per cent, to three significant figures)
1838-39	38	123	30.9	10	39.0
1844-45	25	46	54.3	9	73.9
1847-48	23	47	48.9	4	57.4
1850-51	27	68	39.7	8	51.5
1853-54	14	44	31.8	15	65.9
1856-57	9	45	20	6	33.3
1857-58	38	134	28.4	28	49.3
1859-1860	18	70	25.7	13	44.3
1862-63	46	90	51.1	19	72.2
1865-66	41	74	55.4	11	70.3
1868-69	6	33	18.2	9	45.5
1871-72	10	31	32.3	5	48.4
1874-75	11	39	28.2	6	43.6
1877-78	19	37	51.4	2	56.8
1880-81	7	22	31.8	1	36.4
1883-84	5	26	19.2	3	30.8
1886-87	2	7	28.6	2	57.1
1889-1890	6	8	75	1	87.5

**Table 2.3: Disciplinary incidents coming before the Leeds Watch Committee, with specific reference to drunkenness, 1838-1890.**

**Sources:** Leeds Watch Committee Minutes, volumes 1-15; Parliamentary Papers, 'City and Borough Police' (1854), p.33; Parliamentary Papers, 'Judicial Statistics' (1857-1891).



Stepping back from individual incidents, chief constables and local governors clearly remained anxious about the drink problem throughout this period. While the Watch Committee repeatedly resolved to act more firmly in cases of drunkenness,<sup>73</sup> it proved impossible to enforce sobriety. Christmas time posed a particular challenge. In 1858, eight men were sanctioned by the Committee around Christmas, seven on charges featuring drink.<sup>74</sup> After Christmas 1864, one man was dismissed, two fined and three reprimanded, all for intoxication.<sup>75</sup> On Christmas Eve, 1874, Wetherell instructed the superintendents to urge their men to exercise 'extra caution during the approaching Christmas time, with respect to the use of Intoxicating liquors'; he hoped 'that every officer and Constable will strive to maintain the character of the force'.<sup>76</sup> Plenty of policemen were plainly eager to share in the festivities at this time of year, encouraged on occasion by the generosity of some inhabitants.<sup>77</sup> In 1876, Chief Constable Henderson warned the men not to accept 'anything in the shape of intoxicating liquor which is so often offered to them by persons who have a mistaken idea of hospitality at this Season of the Year'; warning of strict punishments for drunkenness, he hoped the men would conduct themselves well, 'so as to avoid those complaints which unfortunately have been too numerous in previous years'.<sup>78</sup>

Another form of misconduct which threatened to compromise police efficiency was receiving bribes. While much police corruption probably interfered little with a policeman's main responsibilities, payments were often made in order to relieve police surveillance over particular persons or places. In the case of Henry Ripley, who was dismissed in 1868, payments were supplied by a beerhouse owner to prevent Ripley reporting the proprietor

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<sup>73</sup> See for example W.C.3, 22/11/50, pp.301-302.

<sup>74</sup> W.C.6, 31/12/58, p.14.

<sup>75</sup> W.C.8, 30/12/64, p.48.

<sup>76</sup> G.O.3, 24/12/74, pp.263-64.

<sup>77</sup> See also Charles Arrow's account of taking hot elderberry wine at Christmas on his metropolitan beat: *Rogues and Others*, London: Duckworth, 1926, pp.23-25.

<sup>78</sup> G.O.4, 23/12/76, p.104.

for staying open during prohibited hours.<sup>79</sup> Of course, it is very difficult to estimate how widespread such practices were, yet Wetherell took seriously the proposition that Ripley's was not an isolated case: '[f]rom the confession of Ripley it would appear that some Constables are in the habit of receiving bribes...in future – in addition to the punishment of dismissal – he [Wetherell] will not hesitate to proceed before the Justices against any Constable found to have accepted a bribe from any person whatsoever, and press for the utmost penalty of the Law.'<sup>80</sup> Further cases confirm that Ripley was not alone in receiving payments from those breaking the law. Another constable was dismissed in 1872 'for gross misconduct, namely, having been detected in receiving money from Prostitutes, almost in the nature of a weekly allowance'.<sup>81</sup> Two years later, John Glaholm was dismissed 'for accepting money from carters, who were found committing offences, not to report them'.<sup>82</sup> Despite these cases and Wetherell's suspicions, it remains impossible to reconstruct the extent of corruption in the Leeds Police, thanks in part to the Watch Committee's use of generic euphemisms to record incidents of police misconduct. In any case, these incidents further highlight the danger of evaluating the effectiveness of the 'new' police without carefully considering the behaviour of the policemen themselves.

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<sup>79</sup> W.C.9, 20/3/68, p.54; G.O.2, 20/3/68, pp.30-31.

<sup>80</sup> G.O.2, 20/3/68, p.30. In the twentieth century, instances of police corruption have very often been (inaccurately) presented as the solitary work of a few marginal deviants: see Clive Emsley, 'Sergeant Goddard: the Story of a Rotten Apple, or a Diseased Orchard?' in Amy Gilman Srebnick and René Lévy (eds), *Crime and Culture: an Historical Perspective*, Aldershot: Ashgate, 2005, pp.85-104.

<sup>81</sup> G.O.3, 26/1/72, p.16.

<sup>82</sup> G.O.3, 9/3/74, p.199.

## Conclusion

The problem of forging an efficient police force troubled the Watch Committee, chief constables and government inspectors in the nineteenth century. Numerous obstacles stood in their way, and the issue was hardly resolved by 1890. That said, the new police seemed to grow into a more impressive body of men as this period wore on. Although there was already a corps of experienced men by 1859, the force at large remained far from satisfactory. Chief Constable Read, his outlook perhaps clouded by his own impending departure, concluded that given the regularity of turnover, 'we have a Body of men with little experience'.<sup>83</sup> In some respects, the 1860s stand out as a turning point towards a more promising future. As a thorough 1869 sub-committee investigation into crime and the police concluded: '[t]he present state of the Police Force is highly satisfactory; the discipline is good; the conduct of the men will favourably compare with previous years; and the good repute in which the Force is held is shewn [sic] by any vacancy being immediately supplied'.<sup>84</sup>

By the 1870s, Leeds could thus boast a relatively orderly, stable and experienced body of men which, in spite of persistent difficulties, was a significant improvement upon the previous generation.<sup>85</sup> Furthermore, in judging complaints and concerns from the second half of the century, one has to bear in mind the progressive penetration of scrutiny and self-criticism within nineteenth-century police governance. From the late 1850s, the force was exposed not just to government inspection, but also a succession of chief constables often critical of the *status quo*, and a Watch Committee increasingly willing to

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<sup>83</sup> W.C.6, 18/2/59, p.31.

<sup>84</sup> W.C.9, 19/3/69, p.151 (see also appendix A, on the fall in breaches of discipline in the previous ten years, at p.153).

<sup>85</sup> See also Taylor, *New Police*, pp.66-67.

countenance small adjustments and expenditures aimed at enhancing efficiency. The gradual improvement of police pay in the sixties and seventies reflected not a sudden crisis in the quality and supply of recruits, but an enhanced governmental awareness of long-standing difficulties, and a diminished reluctance to invest in a better class of recruit. As others have argued, late nineteenth-century policemen appear rather more impressive figures than their counterparts a generation earlier. We must not, though, assume that gradual improvements in the condition and organisation of the force assured efficient policing in practice; that particular question requires a much fuller study, which forms the basis of the next chapter.

### **Chapter Three: Policing and its Impact**

The preceding two chapters provided an institutional overview of the Leeds Police, including processes of reform and the condition of its men. The police establishment grew significantly over the nineteenth century, developing increasingly sophisticated means of handling information and co-ordinating its movements; nevertheless, chief constables continually complained about the lack of sufficient manpower, and the force remained troubled by indiscipline, high turnover and inexperience late into the century. The purpose of this chapter is to situate these findings in the context of specific police tasks and duties, to assess the impact and effectiveness of policing in Victorian Leeds. It thus returns to the foundational questions which used to dominate the social history of policing.

Recent historiographical developments have led researchers to dwell rather less on the effects of policing in practice. Since the 1990s, studies in police history have become increasingly institutional in focus, covering the kind of ground surveyed in the previous two chapters.<sup>1</sup> This research has significantly enhanced our understanding of the structure and organisation of police forces, and has fleshed out the experience of policemen themselves. Such work, however, threatens to draw police history away from issues of *central* significance to nineteenth-century social history at large. In principle, policemen deserve no greater scholarly attention than any other occupational group; the importance of their history inevitably remains bound up with the consequences of their work, yet histories of police labour frequently offer only oblique or truncated references to such broader issues. Much the same applies to recent scholarship on police reform which, while recovering historical alternatives to the new police system, often fails to explore how

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<sup>1</sup> Much of this work – by Haia Shpayer-Makov, Joanne Klein and others – is surveyed above, pp.16-17.

particular organisational developments impacted upon the lived experiences of ordinary people.<sup>2</sup> This chapter, therefore, retains a decided focus upon the police role in Victorian society.

This section utilises findings from the previous two chapters – concerning the institutional development of the police and qualities of its men – to inform the analysis. These insights provide appropriate starting points from which to discern the impact of the police, both on the incidence of particular behaviours, and on distinct social groups. This chapter, however, does not simply infer police effectiveness from the structure of the force, but situates the evolution of organisation and manpower alongside new evidence of policing in practice. While detailed police records date largely from the 1860s, a sample of local newspaper reports helps to reconstruct patterns of policing from the 1830s onwards. Considering the fields of property crime, street conditions and recreational life in turn, this chapter builds a wide-ranging account of the content and significance of policing in the Victorian city. Firstly, however, it reconstructs the nature of nineteenth-century police authority, and explores how police constables utilised their sweeping authority primarily in the regulation of urban public space.

### **Police Powers and their Uses**

The new police, like their predecessors, were tasked with a bewildering variety of duties; the notion of the police as essentially a crime-fighting force is a myth, albeit a powerful and

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<sup>2</sup> See critique by Simon Devereaux, 'New Histories of British Policing', *Journal of British Studies* 40 (2001), pp.148–49, discussing work of Elaine Reynolds, David Philips and Robert Storch.

enduring one.<sup>3</sup> As well as preventing crime and catching criminals, nineteenth-century policemen were tasked with clearing rubbish from the streets, regulating traffic, enforcing public order, inspecting public houses, and all manner of additional duties.<sup>4</sup> One officer with over thirty years' experience in Lancashire characterised the efficient constable thus: he 'must be...careful in directing traffic, have the strength to deal with drunken ruffians, or stop a runaway horse, possess a fair knowledge of the law, be able to render first-aid; also, to be a street directory and railway timetable.'<sup>5</sup>

To complete these and other tasks, police officers were entrusted with broad legal authority, much of which was in place prior to the formation of the new police forces. There is no space here for a comprehensive discussion of police powers, yet one aspect in particular was central to nineteenth-century police authority: the power to arrest. In addition to powers at common law, the proliferation of summary theft statutes in the eighteenth century authorised policemen to arrest persons in possession of certain materials in a public place, yet unable to account for them.<sup>6</sup> While in theory this legislation gave the police sweeping authority, it applied only to particular categories of property, and it is unclear what impact it had on policing beyond the exceptionally active Thames Police offices.<sup>7</sup> A far more wide-ranging legal implement, however, was the 1824 Vagrancy Act, which extended police control over whole sections of the population deemed to be 'rogues and vagabonds', 'idle and disorderly persons' or 'incorrigible rogues'.<sup>8</sup> In particular, it empowered officers to arrest anyone frequenting a public place who was suspected of being

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<sup>3</sup> Gatrell, 'Policeman-State', pp.242-43.

<sup>4</sup> See Steedman, *Policing the Victorian Community*, pp.53-55.

<sup>5</sup> Thomas Smethurst, *A Policeman's Notebook*, 1914, Bolton: Aurora Enterprises, new edition 1994, p.10.

<sup>6</sup> Bruce P. Smith, 'The Presumption of Guilt and the English Law of Theft, 1750-1850', *Law and History Review* 23 (2005), pp.133-171.

<sup>7</sup> Landau, 'Summary Conviction', pp.177-79, 183-88.

<sup>8</sup> Further to what follows see Paul Lawrence, 'The Vagrancy Act of 1824 and the Power to Arrest on Suspicion' (unpublished paper presented at the Social History Society conference, 3/4/2012, at the University of Brighton); Gatrell, 'Policeman-State', pp.277-78.

*about to commit* a felony. This device gave the police enormous discretionary authority on the streets; incorporated into the 1835 Municipal Corporations Act and extended under the 1869 Habitual Criminals Act, it established the basic legal framework of arrest for the remainder of the century.<sup>9</sup>

The considerable degree of flexibility in defining ‘suspicion’ in this context, and so the breadth of police discretion, comes across through the newspapers. Even though magistrates were inclined to accept a policeman’s version of events without too many questions, arrests ‘on suspicion’ were often made on such dubious grounds as to necessitate further enquiry. In their sweep of ‘the Calls’ neighbourhood in 1882, for example, Inspectors Nortcliffe and Tinsley arrested four people they found loitering in a dark recess, who were unable to give a satisfactory account of what they were doing there. The prisoners were discharged, however, after defence counsel Mr Granger argued ‘that there was nothing against the men, as they were not seen loitering about, but were merely standing quietly in the street.’<sup>10</sup> Even without the scrutiny of defence counsel, some policemen were unable to justify their actions. Detective Hubber arrested two men that same year, after watching them loitering in Marsh Lane, yet Mr Bruce (the stipendiary magistrate) was not persuaded by Hubber’s case:

Mr. Bruce said the prisoners were both men of bad character, and were suspected persons. They were loitering about the street at a late hour, but still they appeared to have done nothing else, and people were not to be committed to prison simply because they were wandering about the streets. There must be some proof that they were intending to commit a felony. He ordered them both to be discharged with a caution.<sup>11</sup>

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<sup>9</sup> In his 1909 notebook (which summarised basic police duties and practice), Constable Symonds devoted several pages to offences under the Vagrancy Act: W.Y.A.S., WYP/LE/A366/9: Duty Book of Frederick Symonds.

<sup>10</sup> *Leeds Daily News* (L.D.N.), 7/2/82, no page.

<sup>11</sup> L.D.N., 30/3/82, no page.



The police statistics further bear out the difficulty of securing a conviction under the ‘suspicion’ clauses: while 76 per cent of those tried summarily for simple larceny were convicted, and 86 per cent for begging, only 64 per cent of cases brought under the ‘suspicion’ clauses were successful.<sup>12</sup> This fact, however, was a natural consequence of the great discretionary authority to arrest which policemen enjoyed; it was difficult to convict all those brought in because apprehensions were regularly made on such flimsy grounds.

The process of arrest and prosecution was central to everyday police discipline in nineteenth-century England. Sections of this chapter dwell on the compromises between police and public, especially in enforcing street order; yet if cautions were much in evidence, so too were apprehensions. The contrast with later periods was neatly captured by Sir Leonard Dunning, who in 1928 recounted the difficulties he had encountered before the war (as Head Constable at Liverpool) in persuading policemen to resist the temptation to arrest whenever possible: ‘[e]very year the question whether prosecution was the best way of saving an offender from a repetition of his offence presented itself in one form or another, and it was not always easy to try something else, especially when the old policeman’s answer, “Well, that is the way we’ve always done it,” had to be met.’<sup>13</sup> Not until the 1920s and 1930s would the policy of mass-arrests and prosecutions for drunkenness, vagrancy and other such offences be substantially checked.<sup>14</sup>

While undoubtedly wide-ranging, nineteenth-century police powers were overwhelmingly geared towards the regulation of *public* spaces. This was partly an

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<sup>12</sup> Leeds Police Reports (1880), table five.

<sup>13</sup> Leonard Dunning, ‘Discretion in Prosecution’, *Police Journal* 1 (1928), pp.39-47.

<sup>14</sup> See Howard Taylor, ‘Forging the Job: a Crisis of “Modernisation” or Redundancy for the Police in England and Wales, 1900-39’, *The British Journal of Criminology*, 39 (1999), pp.119-121; Stefan Slater, ‘Street Disorder in the Metropolis, 1905-39’, *Law, Crime and History* 1 (2012), pp.59-91.

inheritance from eighteenth-century notions of 'police' as urban governance,<sup>15</sup> yet it also reflected the increasingly dichotomous division of public from private space in the Victorian period, and their differential governance.<sup>16</sup> The reluctance of officers to engage in domestic disputes was the flip side to the primacy of the street.<sup>17</sup> In a quite typical occurrence, Superintendent James came across a great commotion in a Kirkgate house in 1837, yet supposing it 'only a family quarrel', he continued on his way.<sup>18</sup> Considering mere 'family quarrels' (including cases of explicit violence) not proper police business was a core component of nineteenth-century police culture, which occasionally conflicted with increasing magisterial scrutiny of male violence.<sup>19</sup> The *Leeds Daily News* reported such a case in 1882, in which a policeman entered a dwelling to find William Fletcher assaulting his wife:

He did not arrest the prisoner, but told the prosecutrix she had better take a warrant out against him. – Mr. [sic] Bruce did not see why the officer did not arrest the prisoner when he saw him strike the prosecutrix. He expressed an opinion that it was his duty to arrest him at the time, as the woman might have been killed.<sup>20</sup>

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<sup>15</sup> See F.M. Dodsworth, 'The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c.1780-1800', *Journal of the History of Ideas* 69 (2008), pp.583-604.

<sup>16</sup> M.J. Daunton, 'Private Place and Public Space: the Victorian City and the Working-Class Household' in Derek Fraser and Anthony Sutcliffe (eds), *The Pursuit of Urban History*, London: Edward Arnold, 1983, pp.212-233.

<sup>17</sup> In addition to what follows see Shani D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, London: UCL Press, 1998, p.69; Emsley, *Hard Men*, pp.67-68; Archer, *Monster Evil*, pp.151-53.

<sup>18</sup> Only when called back by a female resident did he assist in ejecting a drunk and riotous man from the premises: L.T., 3/6/37, p.4.

<sup>19</sup> On the latter see Shani D'Cruze, 'Sex, Violence and Local Courts: Working-Class Respectability in a Mid-Nineteenth-Century Lancashire Town', *The British Journal of Criminology* 39 (1999), pp.50-51; Barry S. Godfrey, Stephen Farrall and Susanne Karstedt, 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Later Victorian and Edwardian Period', *The British Journal of Criminology* 45 (2005), pp.708-717.

<sup>20</sup> L.D.N., 7/3/82, no page.

Such examples reflect the persistently ‘private’ character of assault in the criminal law (see below, chapter six), yet they also betray a vision policing concerned above all with the street.

How did the police make use of their broad powers of arrest in practice? According to the police statistics, the prime object of nineteenth-century policing was petty street nuisances rather than property crime. This was as much true under the ‘old’ police as the ‘new’. A contemporary survey revealed that those charged with drunkenness, vagrancy and ‘other offences’ consistently outnumbered thieves in the early 1830s (see table 3.1). Reform in 1836 briefly accentuated this problem, as prosecutions for drunk and disorderly conduct more than doubled, while felony cases receded. The mundane reality of everyday policing under the new system was revealed by a *Leeds Times* report from mid-1836: the 41 cases before magistrates the previous Monday were, apparently, ‘nearly all of the common description, and not worth reporting’.<sup>21</sup> Within a few years of reform, however, the tide of drunkenness prosecutions had subsided, and the profile of police activity under the night watch was restored.

By the early 1850s, however, the force was showing signs of an increasing concentration on serious crime (see table 3.2). In particular, arrests for drunkenness and vagrancy had fallen considerably as a proportion of police activity, allowing the total number of apprehensions – in spite of considerable growth in population and police – to fall below that common in the 1830s. Other urban police forces followed contrasting

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<sup>21</sup> L.T., 25/6/36, no page.

	1830	1831	1832	1833	1834	1835	1836	1837	1838
Felony	471	617	580	583	490	604	486	548	564
Drunk and disorderly	736	863	678	823	724	751	1516	1133	813
Vagrancy	395	437	423	472	527	515	591	530	487
Assault	284	268	266	335	389	391	458	416	332
Other offences	158	188	168	187	177	155	150	144	114
All Offences	2044	2373	2115	2400	2307	2416	3201	2771	2310

**Table 3.1: Number of persons brought before the Leeds magistrates by offence type, 1830-38.**  
**Source: Statistical Committee of the Town Council, 'Report upon the Condition of the Town of Leeds and of its Inhabitants', *Journal of the Statistical Society of London* 2 (1840), table D.**

	Number of Arrests
Assaults	332
Larcenies	612
Vagrancy offences	271
Drunkenness offences	392
Other offences	497
All offences	2104

**Table 3.2: Number of persons apprehended by the Leeds Police in 1852, by offence type.**

**Source: Leeds Police Reports (1852), tables one and four.**

trajectories: the Sheffield Constabulary, for example, actually hit its peak mid-century activity in 1852, arresting over 4,000 people (almost double the number in Leeds).<sup>22</sup>

Without extensive police records or statistics from the intervening period, one can only speculate as to what caused this change in police policy, yet it probably owed something to the difficulties in police administration in the 1840s. Chapter one showed that the force experienced significant fiscal restraint in 1845, leading to sharp cuts in manpower amidst prodigious population growth. Furthermore, political pressure from Chartist councillors and sections of the press openly questioned the legitimacy of the new police, and perhaps wedded its leadership to a policy of operational restraint.

The reinvigoration of police reform after 1856 brought a return to the old policy of mass arrests. As John Tobias demonstrated, prosecutions for drunkenness offences accelerated after Read's departure in 1859; while the figures fluctuated over the

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<sup>22</sup> Williams, 'Counting Crimes', table two. This comparison clearly raises questions as to whether Sheffield was 'among the more lightly policed of England's cities in the nineteenth century': Williams, 'Counting Crimes', p.92.

coming decades, they never returned to levels witnessed in the 1850s.<sup>23</sup> By the late 1870s, such minor offences once again dominated the statistics (see table 3.3). By the 1880s, two-thirds of arrests were consistently made not for larcenies and assaults, but a wide variety of miscellaneous offences, chiefly petty infringements against street order. Other provincial forces showed similar characteristics at this time: less than 4 per cent of those apprehended in Liverpool in 1880 went on to stand trial for an indictable offence, while about 80 per cent in Manchester a decade later were accused of misdemeanour.<sup>24</sup> Drinking, begging, 'riotous' conduct, obstruction, gambling and prostitution – these were the bread and butter of the urban beat.<sup>25</sup>

This was not just the case in the centre of Leeds – where police and population were especially concentrated – but also in its semi-rural hinterland. This is apparent from an examination of the three surviving late nineteenth-century occurrence books (discussed above, p.37). The precise construction of these records is unclear, and their contents are certainly not comprehensive. Nevertheless, the sample presented below (table 3.4) accords with the basic profile of policing evident in the general statistical returns. While there were interesting variations between the three townships – Headingley something of an exception, providing far more reports of theft, begging and vagrancy than Beeston or Farnley – the core offences of drunkenness, disorderly conduct and traffic violations clearly stand out. In the suburbs as much as the city centre, the police presence was most tangible on the streets, harassing carters, drunks and gamblers.

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<sup>23</sup> J.J. Tobias, *Crime and Industrial Society in the Nineteenth Century*, 1967, Harmondsworth: Penguin, new edition 1972, p.308.

<sup>24</sup> Liverpool Record Office, 352.2 WAT: Liverpool Police Reports (1884), table 10; David Jones, 'Crime and Police in Manchester in the Nineteenth Century' in his *Crime, Protest, Community and Police*, pp.150-51.

<sup>25</sup> See also Storch, 'Domestic Missionary', pp.481-509; Williams, 'Counting Crimes', pp.83, 91-92; Howard Taylor, 'The Politics of Crime in Interwar England and Wales with Particular Reference to some Discontinuities with Nineteenth-Century Criminal Justice Policy', unpublished PhD thesis, University of Nottingham, 1997, chapter five.

	1878	1880	1882	1884
<b>Crimes of violence (class one)</b>	445	460	553	583
<b>Crimes against property (classes two and three)</b>	609	761	860	833
<b>Forgery, coining, property damage and trespass (classes four and five)</b>	66	70	101	102
<b>‘Other offences’ (class six)</b>	2671	2729	2795	2710
<b>All offences</b>	3791	4020	4309	4228
<b>Proportion of all apprehensions for ‘other offences’ (per cent, to three significant figures)</b>	70.5	67.9	64.5	64.1

**Table 3.3: Apprehensions by the Leeds Police, 1878-1884, by offence type.**

**Sources: Leeds Police Reports, 1878 (table five), 1880 (table four), 1882 (table one), 1884 (table one).**

## Theft

Whatever he spent his time doing in practice, the policeman’s prime stated duty was the prevention of property crime. When constables were appointed, the official record highlighted their role in preventing and detecting ‘robberies’.<sup>26</sup> From the establishment of the night watch in 1815, the presence of preventative police patrols in Leeds certainly made life considerably more difficult for thieves, hampering their ability to convey stolen goods

<sup>26</sup> Leeds Watch Committee Minutes, *passim*. This term was used by nineteenth-century police authorities not in its proper legal sense – violent theft from the person – but as an umbrella term for property offences of various kinds.

	<b>Headingley</b>	<b>Beeston</b>	<b>Farnley</b>
<b>Assault on police</b>	2	1	2
<b>Begging/Vagrancy</b>	9	0	0
<b>Drunkenness; drunk and disorderly; riotous conduct</b>	13	12	27
<b>Gambling</b>	5	6	2
<b>Licensing offences</b>	0	3	2
<b>Theft/Break-in (including attempts to do so)</b>	5	0	1
<b>Traffic offences (drunken driving; furious driving; obstruction)</b>	9	10	21
<b>Other offences (desertion; neglecting to sweep frontage; indecency, etc)</b>	8	7	4
<b>All offences</b>	<b>51</b>	<b>39</b>	<b>59</b>

**Table 3.4: Sample of occurrences reported by the police in three out-townships, 1870-1888.**  
**Sources: Headingley Occurrence Book, 1870, 1876, 1882; Beeston Occurrence Book, 1870, 1876, 1882; Farnley Occurrence Book, 1870, 1876, 1882, 1888.**

through the streets. However, opportunity for theft remained enormous, and chinks in the police armour were repeatedly exploited by offenders, who were able to adapt to the police presence. Furthermore, although police efforts to suppress theft intensified over the course of the nineteenth century, they focused increasingly upon targeting known, ‘habitual’ criminals, who were in fact responsible for a minority of offences. When it came to tackling the mass of petty theft, committed largely by anonymous opportunists, the impact of the police was at best modest.



Constables were consistently told to remain attentive to the security of property on their beats, paying particular attention to repositories of valuable goods. As the 1876 constable's guide directed, '[b]anks, jewellers' shops, watchmakers', pawnbrokers', silk mercers', and others, in which property of much value is stored, demand your greatest vigilance and attention'.<sup>27</sup> The night policeman's most basic responsibility was to ensure that premises on his beat were secured: 'see that all places are closed for the night, and properly secured, including coal grids, cellar coverings, and other fastenings'.<sup>28</sup> Checking locks was the mundane frontline of Victorian policing.<sup>29</sup> In addition, policemen were to scan dwellings on their beats for any indication of criminal intrusion. Constable Frederick Symonds, who kept a notebook in 1909 as a guide to key police duties, recorded the following:

#### Common Signs of premises

##### Broken into

Windows or doors broken open. Windows, or doors or gates found insecure. Lights out in premises usually left lit up. Lights in premises usually left in darkness. Lights moving about in premises[.] Sounds of people moving about in premises, or whispering in premises usually quiet. Sounds of doors opening + floors creaking. Sound of Breaking glass, or of falling slates, and of falling tools. Violent barking of dogs, or cackling of hens...<sup>30</sup>

Besides keeping watch over property, policemen were instructed to be vigilant for suspicious persons. To aid in this enterprise, chief constables impressed upon their men the importance of stealth. The constable was required to patrol as quietly as possible, listening for 'any unusual noises in any premises during the night, violent barking of dogs, breaking

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<sup>27</sup> W.Y.A.S., WYP/LE/A83/141: Leeds Police Constable's Guide, p.12.

<sup>28</sup> Leeds Police Constable's Guide, p.12.

<sup>29</sup> On the boredom of nineteenth and early twentieth-century beats, see Emsley, *English Police*, pp.225-29; Mike Brogden, *On the Mersey Beat: Policing Liverpool Between the Wars*, Oxford: Oxford University Press, 1991, pp.40-45.

<sup>30</sup> Duty Book of Frederick Symonds.

of glass, &c.’<sup>31</sup> The Watch Committee even welcomed solicitation from the designers of a supposedly ‘silent’ boot, which would prevent officers inadvertently alerting passing thieves.<sup>32</sup> In 1890, Chief Constable Webb reiterated the need to minimise noise: ‘[s]ergeants and Constables should so work their ground as to need no whistle or stick being sounded, which alarms thieves and others’.<sup>33</sup> On coming across strangers on the night-time beat, policemen were instructed to challenge those carrying property: ‘[a]fter half-past eleven o’clock at night, you should take very particular notice of persons loitering about, or of persons carrying anything bulky or heavy, and where circumstances seem to justify your interference, you should stop and call upon such persons to account for the possession of any such property.’<sup>34</sup> Responding to a string of housebreakings in 1875, Chief Constable Henderson ordered each superintendent to field two of his ‘smartest men’ in plain clothes, who were to watch for anyone carrying goods, and arrest those who failed to give an adequate account of their possession.<sup>35</sup>

A final common instruction was to look out for known thieves. Four men placed on special night duties in 1870 were specifically instructed to ‘apprehend all known or reputed thieves who are found loitering in the Streets and whom they have reasonable grounds for believing are so loitering for an unlawful purpose’.<sup>36</sup> A few years later, following a string of robberies, Chief Constable Wetherell ordered his men to focus primarily on known offenders. Superintendents were instructed to remind their men of the provisions of the Prevention of Crimes Act, while constables were told to exercise their authority to arrest on suspicion: ‘old and known thieves should be looked up and if found in thoroughfares with

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<sup>31</sup> *Leeds Police Constable’s Guide*, p.13.

<sup>32</sup> W.C.14, 20/8/86, p.362.

<sup>33</sup> G.O.6, 5/11/90, p.150.

<sup>34</sup> *Leeds Police Constable’s Guide*, pp.13-14.

<sup>35</sup> G.O.4, 14/7/75, p.5.

<sup>36</sup> G.O.2, 29/10/70, p.217.

intent to commit felonies they should be locked up'.<sup>37</sup> Wetherell was perhaps especially fixated upon repeat offenders, having greeted the Habitual Criminals Act with particular enthusiasm: '[t]he main provisions of the Act are most useful and when prudently carried into effect, will, in my opinion, exercise a wholesome check on a class of persons who, in Towns like Leeds, were previously almost beyond the control of the Police.'<sup>38</sup> Nonetheless, other chief constables shared his preoccupation with known thieves, whose significance Victorians at large were prone to overstate.<sup>39</sup>

To assess how effective the police were in suppressing property crime, one must first establish whether the criminal statistics offer a reliable guide to trends in law-breaking. According to Howard Taylor, these figures offer no indication of fluctuations in offending at all, as they were fabricated according to the political and fiscal imperatives of chief constables, the Home Office and the Exchequer.<sup>40</sup> Others, however, insist that the clear and sustained reduction in indictable crime rates from the mid-nineteenth century must have some basis in reality.<sup>41</sup> They fail to realise, however, that a clear and sustained trend is *exactly* the result one would expect of deliberate statistical manipulation. More persuasively, Bob Morris argues that Taylor's research lacks any clear, direct evidence of the Treasury's involvement in 'cuffing' crime rates, and that the suggestion of a conspiracy involving more than a hundred separate police forces is implausible.<sup>42</sup>

There is no space here to examine these arguments in detail, yet one does not have to accept the Taylor thesis in full to acknowledge that fiscal pressures shaped the criminal

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<sup>37</sup> G.O.3, 5/11/73, pp.170-71 (quotation at page p.170).

<sup>38</sup> C.C.L., May 1870, p.59.

<sup>39</sup> Emsley, *Crime and Society in England, 1750-1900*, chapter seven; Wiener, *Reconstructing the Criminal*.

<sup>40</sup> Taylor, 'Rationing Crime', pp.569-590; Howard Taylor, 'The Politics of the Rising Crime Statistics of England and Wales, 1914-1960', *Crime, Histoire & Sociétés* 2 (1998), pp.5-28.

<sup>41</sup> Taylor, *Policing the Victorian Town*, pp.9-10, 142.

<sup>42</sup> Morris, 'Reinterpreting the Criminal Statistics', pp.118-19. Clive Emsley seems to agree: see his *Crime and Society in Twentieth-Century England*, Harlow: Pearson Education, 2011, p.20.

statistics at least as powerfully as changes in criminal behaviour. Taylor's research has helped revive a broader academic suspicion of data produced by sophisticated state bureaucracies mindful of their own interests. Examples of systematic under-reporting, such as the Metropolitan Police 'suspected stolen' books,<sup>43</sup> are well known, as are the distortions caused by changing police policy.<sup>44</sup> Historians working on twentieth-century statistics share similar concerns: the limited capacity of magistrates' courts could artificially suppress official crime rates,<sup>45</sup> while evidence of senior officers attempting to impose 'normal' offending rates on particular stations further undermines confidence in the reliability of this evidence.<sup>46</sup>

The Leeds evidence does little to relieve such concerns. Most crime reports in the surviving occurrence books make no mention of the police response. Were these reports entered into the statistical returns? We will never know. Wetherell certainly had little confidence in his own indictable crime rates, as he advised a sub-committee in 1869.<sup>47</sup> Following his evidence, its report drew attention to 'the large amount of crime reported at the Police Office of which there is not any account given in the Table', which suggests that certain cases were indeed excluded from the official returns. They also concluded that, 'beyond doubt...the crimes committed are not correctly reported and registered'.<sup>48</sup> Further doubts were raised regarding the Leeds figures by Tobias, who revealed that fluctuations in offending rates were closely correlated with the arrival of a new chief constable, and so

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<sup>43</sup> These books logged items of property reported stolen to the police, but their contents were not generally transferred to the official statistical returns. The books were abolished in 1932, prompting a considerable, artificial inflation in recorded property crime. See Emsley, *Crime and Society in Twentieth-Century England*, pp.16-17.

<sup>44</sup> A famous example is Liverpool's crackdown on the brothels in 1890: see Mike Brogden, *The Police: Autonomy and Consent*, London: Academic Press, 1982, p.69.

<sup>45</sup> Pamela Donovan and Paul Lawrence, 'Road Traffic Offending and an Inner London Magistrates' Court (1913-1963)', *Crime, Histoire & Sociétés* 12 (2008), pp.137-38.

<sup>46</sup> Slater, 'Street Disorder', pp.64-65.

<sup>47</sup> In addition to what follows, see Wetherell's further doubts in Leeds Police Reports (1867), p.4.

<sup>48</sup> W.C.9, 19/3/69, p.155.

reflect changes in police policy rather than patterns of offending.<sup>49</sup> The criminal statistics thus provide no reliable guide to patterns of law-breaking; to assess the effectiveness of the police in tackling property crime, one must look elsewhere.

Broad police powers to arrest on suspicion presented petty thieves with unprecedented difficulties on the nineteenth-century streets, under both the night watch and the new police. John Rodley met with a watchman in 1836, whilst carrying a cabbage; unable to account for it, he was taken into custody, where the police established that it had been stolen from just outside of town.<sup>50</sup> The following year, Immanuel Wilkinson was suspected by a policeman, who saw him offer a pair of boots for sale in Briggate. Wilkinson protested that he had purchased them from a nearby vendor, yet his story failed to stand up when escorted to William Beadle's stall, where the goods were identified as stolen property.<sup>51</sup> Such encounters troubled common criminals throughout the remainder of the century: in 1881, Constable Outram arrested two lads he found rolling packing cases down the street, which it subsequently transpired had been stolen from a game dealer in Kirkgate Market.<sup>52</sup>

Above all others, however, advances in police organisation posed acute difficulties for repeat offenders. Even before 1836, the police knew of certain thieves and their favoured haunts. Reporting in 1835 on a burglar who lodged at Thomas Steel's cook shop in Meadow Lane, the *Leeds Times* remarked that the property 'is well known to the police as a receptacle of the worst pests of society.'<sup>53</sup> Later that year, the newspaper claimed that Mary O'Connor, a lodging-house keeper in the notorious Boot and Shoe yard, was known

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<sup>49</sup> Tobias, *Crime in Industrial Society*, appendix. These fluctuations are often striking, yet they do not apply in each case, and often there is a delay of a year or two in the figures which Tobias did not adequately explain.

<sup>50</sup> L.T., 6/2/36, no page.

<sup>51</sup> L.T., 7/10/37, p.4.

<sup>52</sup> L.D.N., 3/3/81, no page.

<sup>53</sup> L.T., 23/5/35, no page.

to police as a receiver of stolen goods, who traded routinely with juvenile larcenists in the area.<sup>54</sup> Such knowledge might lead officers to enquire after the ‘usual suspects’ in response to a report. In 1845, on hearing of a street robbery from Samuel Gelder, policemen Doherty and Ball went immediately to a house of ill fame in Nelson Street, where they arrested Robert Styles and John Beaumont.<sup>55</sup> Forty years later, after some ducks were stolen from Mr Shires’ farm in Meanwood, two senior officers descended on the area, apparently ‘looking out for such notable characters as Proctor’, a bad character with 56 previous convictions, whom they arrested, finding the ducks concealed in his carpet bag.<sup>56</sup> With time, recidivists came to assume a central place in police thinking, further intensifying surveillance over known criminals. By the mid-1880s, the arrest of previous offenders and suspected persons had become routine, prompting such headlines as: ‘TWO MORE “SUSPECTS” have been got rid of for a time.’<sup>57</sup>

Unfortunately for the police chiefs, however, thwarting particular offenders was not the same as suppressing property crime at large. Perhaps the primary obstacle to police crime control in the nineteenth century was the sheer number of thieves in the population. While contemporaries made much of the supposed ‘criminal class’, historians concur that the ‘professional’ thief (as the Victorians understood him) was largely illusory,<sup>58</sup> prompting some to discard the idea of the ‘criminal class’ as a ‘dead concept’.<sup>59</sup> In fact, most offenders were hardly distinguishable from the labouring population at large, and only a minority of

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<sup>54</sup> L.T., 19/12/35, no page.

<sup>55</sup> L.T., 15/3/45, p.5.

<sup>56</sup> L.T., 25/7/85, p.3.

<sup>57</sup> L.T., 18/4/85, p.3. Further on the vulnerability of known criminals, see Raphael Samuel (ed.), *East End Underworld: Chapters in the Life of Arthur Harding*, London: Routledge and Kegan Paul, 1981, pp.82-83, 187-89, 251-55.

<sup>58</sup> See Philips, *Crime and Authority*, chapter five; Gatrell, ‘Decline of Theft and Violence’, pp.264-65; Emsley, *Crime and Society in England, 1750-1900*, pp.182-85; Rosalind Crone, ‘Reappraising Victorian Literacy through Prison Records’, *Journal of Victorian Culture* 15 (2010), pp.13-14.

<sup>59</sup> Godfrey, Cox and Farrall, *Serious Offenders*, p.19.

offenders had a long history of previous convictions. Of those arrested for property crimes in Leeds in 1880, 57 per cent arrived in custody for the first time, while only 19 per cent had been apprehended on four or more previous occasions.<sup>60</sup> Thus, while the police became increasingly oriented to the surveillance of particular, known offenders over the nineteenth century, most thieves remained unrecognisable, even to experienced constables. The fact that so many 'ordinary' people remained willing to break the law posed profound operational difficulties for the new police.

If most thieves were essentially opportunistic, they were certainly presented with copious opportunity in the Victorian city.<sup>61</sup> Even the richest historical assessments of crime pay insufficient attention to the changing availability of property as a factor in shaping offending.<sup>62</sup> Retail outlets proliferated in this period: in Leeds, four markets were founded in the 1820s, while shops in the city centre multiplied from the 1870s.<sup>63</sup> The final quarter of the century also witnessed significant growth in working-class real earnings, especially in highly skilled sectors like engineering, which was a major employer in Leeds.<sup>64</sup> In parallel, rituals of consumption became central to working-class culture, filling their parlours with a new wealth of material goods.<sup>65</sup> Not only, then, were opportunities for theft plentiful, but they probably expanded from the 1870s.

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<sup>60</sup> Leeds Police Reports (1880) table four, classes two and three. One should be mindful that, by 1880, the police deliberately targeted known thieves, and so the proportion of repeat offenders was most likely exaggerated.

<sup>61</sup> See also anon., 'The Growth of Crime', *The Law Magazine*, new series, 1 (1844), p.132.

<sup>62</sup> Gatrell's extensive analysis assumed that the level of offending was essentially the product of a battle of wits between policemen and criminals: 'Decline of Theft and Violence', pp.258-260.

<sup>63</sup> Kevin Grady, 'Commercial, Marketing and Retailing Amenities, 1700-1914' in Fraser (ed.), *Modern Leeds*, pp.183-84, 194-95. More generally, see Michael J. Winstanley, *The Shopkeeper's World 1830-1914*, Manchester: Manchester University Press, 1983, pp.12-13, 33-34.

<sup>64</sup> George R. Boyer, 'Living Standards, 1860-1939' in Roderick Floud and Paul Johnson (eds), *The Cambridge Economic History of Modern Britain*, third edition, volume two, Cambridge: Cambridge University Press, 2004, pp.284-290; Connell and Ward, 'Industrial Development', pp.162-64.

<sup>65</sup> Paul Johnson, 'Conspicuous Consumption and Working-Class Culture in Late-Victorian and Edwardian Britain', *Transactions of the Royal Historical Society*, fifth series, 38 (1988), pp.27-42; John K. Walton, 'Towns and Consumerism' in Dauntton (ed.), *Cambridge Urban History*, volume three, pp.727-28.

Furthermore, judging from police records, much property was poorly protected from depredations (see further below, chapter four). Amongst the most common form of theft reported in the out-townships by the 1870s was of goods left in the *vicinity* of a property – out-buildings or animal houses, on washing lines and so on – in addition to numerous garden thefts (see table 3.5). Most of these offences targeted animals, and so pertain especially to the more rural suburban environment.<sup>66</sup> Yet even property in the city centre presented easy pickings for petty thieves: according to police statistics from the early 1880s, more than one-fifth of simple larcenies from fixed premises preyed on goods exposed for sale.<sup>67</sup> Even when goods were not directly exposed, they were often poorly secured. Thieves in Beeston were capable of breaking Mr Tempest's fowl house door open in 1874,<sup>68</sup> while Samuel Oates left the door to his cow shed open, allowing easy access to his hens.<sup>69</sup> In these conditions, it is difficult to see how the police could keep control over property crime.

There were also limits to police efforts to catch and deter more serious, regular or 'professional' thieves. Despite the growing police fixation on 'professional' criminals, Gatrell remained cautious about the impact of policing on more serious forms of theft, especially burglary, which stubbornly refused to follow the aggregate reduction in indictable crime rates in the later nineteenth century.<sup>70</sup> His scepticism was well-founded: like petty larcenists, burglars and others were presented with fairly easy targets. No matter how diligently the police patrolled their beats, their efforts were to a considerable extent

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<sup>66</sup> Though animal-keeping was hardly unknown in the city centre: see L.T., 29/8/35, no page.

<sup>67</sup> Leeds Police Reports (1880), table six.

<sup>68</sup> W.Y.A.S., WYP/LE/A137/182: Beeston Occurrence Book (B.O.B.), 21/2/74.

<sup>69</sup> B.O.B., 14/11/83.

<sup>70</sup> Gatrell, 'Decline of Theft and Violence', pp.316-333. See also Leeds Police Reports (1879), p.4, for Chief Constable J.W. Nott-Bower's concerns about persistently high rates of burglary.



	Number of incidents
<b>Burglary/Housebreaking</b>	54
<b>Garden theft</b>	41
<b>Robbery</b>	8
<b>Shop-/Office-breaking</b>	9
<b>Theft from vicinity of a building</b>	141
<b>Theft from workplace</b>	18
<b>All thefts</b>	62

**Table 3.5: Thefts reported to the Leeds Police in three out-townships by type, 1868-1890.**  
**Sources: Headingley Occurrence Book; Beeston Occurrence Book; Farnley Occurrence Book.**

frustrated by the vulnerability of shops, dwellings and warehouses. In 1884, officers discovered some 3,259 doors, 769 windows, and 85 cellar grids insecure, while many more presumably went unnoticed.<sup>71</sup> Burglars in Headingley often exploited such openings, sometimes with extremely lucrative results: John Edward Teale of Bentley Lane lost a set of ornaments and decorative items worth a massive £50 in 1880, having left his window open.<sup>72</sup>

Yet even when presented with more challenging assignments, some thieves were equipped with sufficient skills to outwit even diligent policemen. Driven to disprove contemporary fantasies of a ‘criminal class’, historians have presented a rather undifferentiated portrait of nineteenth-century criminals. Criminologists, meanwhile, have profited from a looser definition of criminal ‘professionalism’ more sensitive to variations

<sup>71</sup> Leeds Police Reports (1884), table fifteen.

<sup>72</sup> Equivalent to about nine months’ wages for an entry level, ‘third-class’ constable: W.Y.A.S., WYP/LE/A90/255: Headingley Occurrence Book (H.O.B.), 31/8/80.

in skill amongst Victorian thieves.<sup>73</sup> Some criminals evidently excelled in their work: after multiple break-ins were disguised by replacing broken padlocks in 1878, constables were instructed to familiarise themselves as fully as possible with the appearance of locks on their beats, and check for discrepancies.<sup>74</sup> Considering the more or less erratic performance of many constables, and the length and tedium of their beats, most surely stood little chance of detecting such careful depredations. More common than replacing locks were a variety of entry methods which minimised noise: using skeleton keys,<sup>75</sup> breaking or picking locks,<sup>76</sup> even cutting out a section of glass.<sup>77</sup> By these means, burglars and shopbreakers sought to avoid attracting the attention of policemen, who in turn, as we have seen, were enjoined to keep as quiet as possible. These techniques were certainly the preserve of a small minority of criminals – more often, windows were flagrantly smashed.<sup>78</sup> Yet in any case, while the police remained preoccupied with serious offenders, this evidence suggests that some were able repeatedly to out-wit the police.

The rapid turnover of personnel within the force further hampered their ability to monitor recidivists. In a rare exploration of the practical consequences of inexperience, Read wrote in 1859: ‘we have a Body of men with little experience, except in discipline, and the patrol of their beats, which a many [sic] I think are too long, *they having little opportunity to make themselves acquainted with the persons of the marauding Community*’.<sup>79</sup> Perhaps the chief virtue of experience, then, was the opportunity it afforded

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<sup>73</sup> See Ian Taylor, *Crime in Context: a Critical Criminology of Market Societies*, Cambridge: Polity Press, 1999, pp.163-69; Dick Hobbs, ‘Criminal Collaboration: Youth Gangs, Subcultures, Professional Criminals, and Organised Crime’ in Mike Maguire, Rod Morgan and Robert Reiner (eds), *The Oxford Handbook of Criminology*, 1994, Oxford: Oxford University Press, second edition 1997, pp.816-821.

<sup>74</sup> G.O.4, 13/5/78, p.164.

<sup>75</sup> H.O.B., 28/8/75.

<sup>76</sup> H.O.B., 5/1/78, 5/11/77.

<sup>77</sup> H.O.B., 27/9/75.

<sup>78</sup> See for example H.O.B., 18/4/80, 22/9/80.

<sup>79</sup> W.C.6, 18/2/59, p.31, emphasis added.

constables of becoming familiar with known offenders; if so, it was a reward which remained scattered unevenly through the ranks for most of the nineteenth century. During his Edwardian induction, Constable Symonds was evidently schooled in the need to familiarise himself with suspected characters:

Thieves living on the Beat

A Constable should try to get to know, all he can about thieves & disorderly persons. If any such live on his beat he must pay special attention to their houses, without neglecting the remainder of this beat.

He should notice what time they usually go to bed & get up.: [sic] With whom they associate: what places they frequent: & all their usual habits.<sup>80</sup>

Historians have likewise emphasised that personal recognition – reliant upon the memories of long-serving policemen – was central to police intelligence even in the age of photography and convict registration.<sup>81</sup> By regular attendance at the magistrates' court, and exposure to local thieves over an extended period, the constable gradually became familiar with prolific offenders in his district, learning who to look out for and of whom to take notice. While certain notorious offenders were already known to the police by the 1830s, the limited tenure of most constables must have resulted in regular losses of expertise. Hence Charles Arrow knew he was 'lucky' to catch a few 'good men' – that is, known criminals – early in his police career.<sup>82</sup> One must remain mindful, however, that such chinks in the police armour were not always obvious to repeat offenders. Benjamin Leeson was surprised, while still an inexperienced constable, when a notorious local rough called Billy Meers wrongly assumed that Leeson knew him by sight: asked his name by a doctor

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<sup>80</sup> Duty Book of Frederick Symonds.

<sup>81</sup> Stanford, 'Who are you?' pp.54-81; Godfrey, Cox and Farrall, *Serious Offenders*, chapter four; Bob Morris, 'History of Criminal Investigation' in Tim Newburn, Tom Williamson and Alan Wright (eds), *Handbook of Criminal Investigation*, Cullompton: Willan Publishing, 2007, pp.19-26. For a policeman's recollections, see Leeson, *Lost London*, chapter six.

<sup>82</sup> Arrow, *Rogues and Others*, p.34.

in a London hospital, Meers replied, ““Ask him,” pointing to me [Leeson]; “I’m known to all his people.””<sup>83</sup>

Despite considerable technological advances in the Leeds Police from the 1860s, improvements in information management were largely held in check by inconsistencies in police record-keeping. A raft of initiatives promised to keep chief constables abreast of occurrences, yet they depended upon diligent constables keeping good records. In practice, charge books were often improperly filled out, causing problems when men came to give evidence in court.<sup>84</sup> Descriptions of stolen property were often inadequate, forcing chief constables repeatedly to remind station sergeants to record as much detail as possible (see further below, chapter five).<sup>85</sup> There were also periodic failures to report robberies to pawnbrokers.<sup>86</sup> By the 1880s, the police files remained in poor condition; shortly after assuming his post, Chief Constable A.B. Nott-Bower bemoaned of the state of charge books, occurrence books and dispatches.<sup>87</sup> None of this is to deny that the late nineteenth-century police establishment developed superior procedures for handling information, but inefficiency at the stations meant that these reforms failed to fulfil their full potential.

Regular shortages of men also left parts of the town unwatched, further compromising the preventative strategy. This problem was noted as early as 1839, when urban expansion had left inhabitants on the outskirts vulnerable to thieves.<sup>88</sup> Read similarly reported in 1856 that much new property was routinely missed by the day police. Furthermore, court and special duties constantly occupied one-third of the force, with the result that ‘several of the beats are thus necessarily for a considerable period of time

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<sup>83</sup> Leeson, *Lost London*, pp.78-79.

<sup>84</sup> G.O.2, 10/2/68, p.21, 16/8/71, no page.

<sup>85</sup> G.O.4, 20/10/76, p.84, 8/9/77, p.133.

<sup>86</sup> G.O.2, 7/3/70, p.181; G.O.5, 29/1/85, p.144.

<sup>87</sup> G.O.5, 3/11/81, pp.1-2, 26/11/81, p.5.

<sup>88</sup> C.M.4, 18/2/39, p.523.

rendered vacant'.<sup>89</sup> The night police similarly struggled to cope on the borders of the watch district, where recent construction meant that 'the Beats...require a much longer time, than is allowed for the property thereon to be properly watched'.<sup>90</sup>

While staffing levels improved somewhat after 1856, such problems recurred throughout the century. As Wetherill explained in 1871, 'if every man is present, there is not a sufficient number for every beat, and to place a Constable on reserve at the principal Stations; and no provision can be made for the contingencies of Sickness, leave of absence, special duty, assize and Sessions duty, and vacancies'. Based on the number of beats worked double over the previous three months, he suggested there was a structural deficiency of 28 men in the force.<sup>91</sup> More than twenty years later, Chief Constable Webb warned that certain parts of the city remained haunted by street robbers, prostitutes and other suspicious characters. Even considering his interest in securing further funding, Webb's analysis was remarkably frank: '[i]f there were more Police these places would soon be cleared.'<sup>92</sup> Given the numerous duties policemen had to fulfil, the shortage of manpower – in Leeds and elsewhere - inevitably resulted in inconsistent and incomplete surveillance.<sup>93</sup>

Given those constraints, it is hardly surprising that contemporaries quickly came to question the ability of the new police to suppress property crime. Just a couple of months after reform, the *Leeds Times* issued the following report: 'GARDEN ROBBING. – It has been stated to us that the new police ought to keep a sharp look out amongst persons carrying flowers and vegetables early on a Sunday morning, as a great many gentlemen's

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<sup>89</sup> W.C.5, 28/3/56, pp.61-63 (quotation at page p.63).

<sup>90</sup> W.C.5, 28/3/56, pp.65-66 (quotation at page p.66).

<sup>91</sup> W.C.10, 14/4/71, pp.51-52 (quotation at page p.52).

<sup>92</sup> Leeds Police Reports (1892), p.25.

<sup>93</sup> For similar difficulties in London see Custos, *The Police Force of the Metropolis in 1868*, London: William Ridgway, 1868, pp.8-9.

gardens in the neighbourhood have recently been robbed.’<sup>94</sup> There was still a trace here of the ‘honeymoon’ sentiment which coloured representations of the infant force in the liberal press; with time, however, such perceived ‘crime waves’ would prompt far less charitable commentaries. In 1855, the same newspaper concluded its report on an unsolved burglary with the following: ‘[t]his is the second case last Saturday night. Where do the police put their eyes? In their pockets?’<sup>95</sup> Several break-ins later, journalists indulged themselves in further, sweeping reflections upon police incompetence, and the need for further reform: ‘[w]hen we remember the numerous burglaries which have recently taken place in Leeds without the offenders being apprehended, we must say the fact reflects very much upon the police force of the town and requires investigation.’<sup>96</sup>

From the mid-nineteenth century, the Watch Committee also received periodic representation from residents and businessmen anxious about property crime. In 1856, a group of ratepayers compiled a memorial complaining about the ‘defective state of the Police arrangements for the detection of Robberies’.<sup>97</sup> In 1864, a deputation drew attention to the spate of recent robberies in Commercial Street, and requested additional police protection for that area.<sup>98</sup> Such complaints were usually highly local (sometimes personal) in character, and may therefore tell us more about the dispositions of particular complainants than the deficiencies of the police. One certainly cannot judge the social impact of the new police merely upon the professions of a few disgruntled ratepayers and enterprising journalists. That said, their concerns help direct attention to the limits of police crime control.

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<sup>94</sup> L.T., 11/6/36, no page.

<sup>95</sup> L.T., 10/3/55, p.5.

<sup>96</sup> L.T., 9/6/55, p.5.

<sup>97</sup> W.C.5, 20/3/56, p.59.

<sup>98</sup> W.C.8, 5/8/64, p.6.

While official discussions of crime control were usually dominated by the preventative patrol, the detective department periodically drew sharp criticism. Founded in 1843, it certainly did not meet ‘with marked success from the outset’.<sup>99</sup> A long-running scandal in 1844, centred on the dubious conduct of Inspector Child, exposed such suspicion of detective practices that the Watch Committee prohibited payments to ‘disreputable characters’ for intelligence.<sup>100</sup> Shortly before departing the force, Read offered the following assessment of the department: ‘I do not think the Detectives are so vigilant, or shew [sic] that knowledge of the Characters of Thieves as they ought to do, nor do they seem to obtain that information with respect to the movements of our own and other characters, who may locate themselves with us from time to time, which might be done.’<sup>101</sup> Just a couple of months later, the detectives were further criticised by a sub-committee enquiring into the apparent increase in robberies. They were surprised to learn that the detectives, ‘do not consider it their duty, or advisable to disturb known Thieves, in the Lodging Houses to which they resort’. Additionally, they had trouble obtaining information from witnesses, given the inadequacy of allowances from the courts and the insufficiency of internal resources. As one detective admitted, allegedly following a conversation with some roaming criminals, Leeds was ‘the best Town they have’.<sup>102</sup>

Despite further reforms, concerns persisted late into the century that the detectives were poorly organised and ill-suited to their work. Chief Constable Henderson – evidently a stickler for paperwork<sup>103</sup> – reported in 1875 that the department’s superintendent had

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<sup>99</sup> Clay (ed.), *Leeds Police*, p.24.

<sup>100</sup> W.C.2, 11/10/44, p.171. For contemporary concerns about detective policing, see R.M. Morris, “‘Crime does not Pay’: Thinking again about Detectives in the First Century of the Metropolitan Police’ in Clive Emsley and Haia Shpayer-Makov (eds), *Police Detectives in History, 1750-1950*, Aldershot: Ashgate, 2006, pp.81-83; Shpayer-Makov, *Ascent of the Detective*, pp.31-34.

<sup>101</sup> W.C.6, 18/2/59, p.31.

<sup>102</sup> W.C.6, 8/4/59, p.45.

<sup>103</sup> See above, pp.65-66.

neglected his 'administrative work' for some time, meaning that 'the organisation and management of the Department has become very defective, and unsatisfactory.'<sup>104</sup> He recommended a new superintendent be brought in from another force (for he did not have 'sufficient confidence' in any of his own men), and additional detective officers be appointed.<sup>105</sup> Eight years on, however, A.B. Nott-Bower remained concerned that a 'bad feeling' existed between detectives and regular policemen, resulting in insufficient communication and collaboration between the two.<sup>106</sup> The very next year, following a spat between two senior detectives, a sub-committee enquiry found 'great irregularity in the Detective Department', and recommended that both officers be returned to the ranks.<sup>107</sup> Detective Superintendent Gillespie, who was appointed to lead the department, complained in 1885 that two of his men, Banks and Rowley, were 'utterly incompetent', and required a transfer. By this time, the burden of work on the department was intense: having to make 2,300 reports and enquiries to other police forces, prison governors and others each year, as well as deal with local criminals, it seems unlikely that ten men – two of whom were apparently quite unsuitable – were able to give each matter its due consideration.<sup>108</sup>

By the 1860s, there are signs that the authorities in Leeds had even come to question the efficacy of the preventative system at large. In his 1867 annual report, having welcomed the previous year's figures, Wetherell sought to temper rising expectations: 'with an increasing population, and the settlement of previously convicted thieves in the busiest and most populous neighbourhoods, the task of diminishing crime is, by no means, easy of accomplishment'.<sup>109</sup> The following year, a sub-committee was established to enquire into

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<sup>104</sup> W.C.11, 31/12/75, p.235.

<sup>105</sup> W.C.11, 31/12/75, pp.235-36.

<sup>106</sup> G.O.5, 16/1/83, pp.34-35.

<sup>107</sup> W.C.14, 25/2/84, pp.148-49; for the quotation, see W.C.14, 14/3/84, p.156.

<sup>108</sup> W.C.14, 6/3/85, pp.242-43; Leeds Police Reports (1884), table 21.

<sup>109</sup> Leeds Police Reports (1867), p.3.



the beat system itself, by considering ‘the desirability of watching Thieves as distinguished from watching property’.<sup>110</sup> The clearest signal of shifting attitudes, though, came in 1869, with an extensive report into crime and policing in the borough. While it indicated – perhaps for the first time – the Watch Committee’s genuine satisfaction with the condition of the force (see above, p.91), it also noted a rise in crime rates since the late 1850s. This combination of satisfactory police organisation and rising crime forced the Committee to confront directly for the first time the limits of policing. The leniency of punishments and the ‘growing evil’ of beerhouses, dancing saloons and low theatres were blamed for sponsoring law-breaking in spite of police surveillance. Remedies were thus sought in areas outside the Committee’s control: longer and harsher prison sentences, better regulation of beerhouses, and a system of education for the nation’s ‘degraded beings’.<sup>111</sup> A generation after 1836, the Committee recognised that the impact of the police on crime was sharply limited.

### **Street Conditions**

As has been demonstrated, explicitly ‘criminal’ business accounted for only a minority of police interactions with the public. Besides theft, a key police priority was the regulation of urban space, principally in terms of traffic circulation, sanitation and illegitimate uses of the streets. Of course, at a time of rapid and disruptive urbanisation, the police role in shaping the urban environment was strictly limited. Furthermore, it was not primarily their responsibility to sanitise the streets – that task was shared between various agencies of

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<sup>110</sup> W.C.9, 18/12/68, p.130. (There is no record of its findings or report.)

<sup>111</sup> W.C.9, 19/3/69, pp.151-52.

municipal government. Nevertheless, the new police made in some respects a more impressive contribution to urban order than to the suppression of property crime. The preventative system naturally drove constables to exercise enormous surveillance over Victorian streets, and they certainly played a key part in ‘civilising’ urban public spaces in this period.

Even before the arrival of motor vehicles in the early twentieth century,<sup>112</sup> the new police were tasked with regulating traffic. Directly from 1836, they brought a new level of discipline to obstructions. In May of that year, Benjamin Hardwick was summoned before magistrates for leaving his wagon idle in Bowman Lane. Although he admitted the charge, Hardwick demurred ‘that for many years he had been accustomed to place it in the same situation.’<sup>113</sup> A week later, several further cases of obstruction were brought against vehicle owners, who protested that they had left their carriages in *private* streets, which were not maintained by the Corporation. The justices, however, reiterated that the police were instructed to remove obstacles from *all* streets, and so the defendants would face fines if summoned in future.<sup>114</sup> Such summonses were the subject of regular comment in the press throughout 1836, as residents sought to defend established uses of the streets – which in one case apparently stretched as far back as twenty years<sup>115</sup> – in the face of a vigorous police campaign to clear the highways irrespective of such customs.

Obstructions, though, took a number of forms. Constables were repeatedly instructed to clear washing lines from the streets in order to aid traffic flow. In 1868, following numerous complaints, Wetherell ordered his men to caution all those hanging

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<sup>112</sup> See Emsley, ‘Regulation of Motor Traffic’, pp.357-381; Taylor, ‘Forging the Job’, pp.124-29.

<sup>113</sup> L.T., 14/5/36, no page.

<sup>114</sup> L.T., 21/5/36, no page.

<sup>115</sup> L.T., 3/12/36, p.4.

clothes across the streets, and to report persistent offenders.<sup>116</sup> Policemen were likewise directed to caution and report shopkeepers who left goods hanging outside shops, as they apparently endangered passers-by and risked spooking horses.<sup>117</sup> Special traffic patrols were also deployed in response to specific occurrences. Elaborate instructions were given to men during the annual music festival, for example, who were reminded to keep a 'thorough command over their temper, and however much that is tried in enforcing the regulations they will remain cool & firm'.<sup>118</sup> As well as clearing the roads for carriages, omnibuses and trams, policemen were tasked with monitoring their mode of conveyance. The police were charged with suppressing those uses of the streets which subverted the free movement of other vehicles, including drunken and furious driving,<sup>119</sup> and passing on the wrong side of the road.<sup>120</sup> Overcrowding on omnibuses and tramway cars was a further police priority, in part due to the risk of accidents, yet chiefly for the strain it placed on the animals conveying it.<sup>121</sup> Special measures taken to check overcrowding in 1869 even included the deployment of plain clothes constables.<sup>122</sup>

Throughout the nineteenth century, however, the dream of calm and ordered streets remained unfulfilled. The remarks of one complainant in 1836 suggest that the enlarged police role in this sphere produced unrealisable expectations: '[i]t was, he remarks, expected at the commencement of the new system that a decided alteration would have taken place in this respect, from the shew [sic] of spirit made in the cases of Sidney-street, York-street, and Saxton-lane, but which places [sic] are now as bad as ever'.<sup>123</sup> Others

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<sup>116</sup> G.O.2, 8/6/68, pp.49-50.

<sup>117</sup> G.O.4, 1/4/78, p.160.

<sup>118</sup> G.O.5, no date, pp.65-66.

<sup>119</sup> G.O.4, 17/3/77, pp.116-17.

<sup>120</sup> G.O.5, 13/9/84, p.119.

<sup>121</sup> The link between overcrowding and animal cruelty was made explicit by Wetherell in G.O.3, 2/8/72, p.60.

<sup>122</sup> G.O.2, 24/12/69, p.168.

<sup>123</sup> L.T., 9/7/36, p.4.

pressed the Watch Committee over traffic problems late into the nineteenth century. Obviously, the police were powerless to mitigate entirely the consequences of considerable urban development, in Leeds and elsewhere.<sup>124</sup> The scale of the traffic 'problem' grew over the Victorian period, prompting Briggate shopkeepers to petition the Highways Committee in 1885, asking for roads to be made of wood rather than granite to reduce noise in the congested central thoroughfare.<sup>125</sup> With additional men, however, the streets would probably have been better conducted. Wetherell complained in 1872 that '[n]o doubt more men are necessary in the heart of the town, to control the traffic...but with the present number...I cannot apportion more to say, Street, duty'.<sup>126</sup> Twenty years later, Webb further appealed for extra men to supervise the swelling ranks of vehicles.<sup>127</sup> Yet the fact that regulating traffic became so widely recognised as a primary police responsibility is testament to their impact in this field. While they were never able to bring order to chaotic roads and junctions, the police certainly made their presence felt, and secured for themselves an expanding role in urban administration.

As well as ensuring the circulation of carriages through the town, the police were responsible for keeping the streets themselves in good order. Their duty was to enforce sanctions against inhabitants, who were used to scattering all manner of waste articles in the streets; they summonsed shopkeepers who failed to sweep their frontages (as required under the improvement acts),<sup>128</sup> and provided informations against those found littering. These exercises demonstrate that the policeman was much more than a crime-fighter, even more than a 'domestic missionary'; much of the time, he was an elaborate street sweeper,

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<sup>124</sup> For similar difficulties in London see Charles Tempest Clarkson and J. Hall Richardson, *Police!*, London: The Leadenhall Press, 1889, pp.249-251.

<sup>125</sup> L.T., 6/6/85, p.3.

<sup>126</sup> C.C.L., 2/3/72, p.118.

<sup>127</sup> Leeds Police Reports (1892), pp.25-26.

<sup>128</sup> W.C.2, 16/12/42, pp.7-8; W.C.7, 15/1/64, p.240.

the demands of dust and discarded orange peel prompting intervention more frequently than distressed victims of crime.

A more sporadic but nonetheless significant aspect of street order policing was the seizure of stray dogs. Concern about rabies in nineteenth-century towns produced muzzling orders, which the police were tasked with enforcing.<sup>129</sup> They were tasked not only with ensuring that dogs were suitably muzzled, but also that they were properly supervised by their owners;<sup>130</sup> unrestrained animals were therefore seized and taken to the depot for 'destruction'.<sup>131</sup> The new police quickly became notorious for their vigour in seizing dogs and prosecuting their owners. Two weeks after the 1837 muzzling order, 24 charges were brought before magistrates, many at the behest of Constable Bullough, whose 'name [is] known from one extremity of the town to the other, by cart drivers, coachmen , &c'.<sup>132</sup> After a vicious dog bit several inhabitants in 1845, renewed police efforts to enforce the muzzling order resulted in the destruction of fifty animals in a single week.<sup>133</sup> In an age which prided itself upon liberty and humanity, the mass slaughter of canines proved contentious. Moreover, the police enforcement of muzzling orders provoked particular press criticism because it entailed a rare and unwelcome intrusion into the private affairs of the middle class. As the *Leeds Times* complained in 1855, '[t]he police have become quite fearful in the movement, and a tap on the shoulder from the formidable crusher has turned pale many a stout gentleman taking Crib out for a walk.'<sup>134</sup>

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<sup>129</sup> See further John K. Walton, 'Mad Dogs and Englishmen: the Conflict over Rabies in Late Victorian England', *Journal of Social History* 13 (1979), pp.219-239.

<sup>130</sup> See M.M.2, 28/6/51, pp.74-75.

<sup>131</sup> G.O.3, 16/11/72, p.93. Note though that the magistrates advised policemen, where possible, to follow unaccompanied dogs back to their owners, rather than seizing them immediately: M.M.2, 28/6/51, pp.74-75.

<sup>132</sup> L.T., 17/6/37, p.4.

<sup>133</sup> L.T., 19/7/45, p.5.

<sup>134</sup> L.T., 21/7/55, p.3.

The Watch Committee promoted such enthusiastic enforcement by paying rewards to active constables. In 1845, Chartist councillors Brook and Jackson complained about ‘the present indiscriminate seizure and destruction of dogs’, which was supported by paying constables a shilling for every dog seized.<sup>135</sup> Decades later, Chief Constable Henderson offered a similar (though lesser) reward, hoping ‘that this inducement will cause increased activity among members of the force in clearing the Borough’ of wandering animals.<sup>136</sup> By 1881, the constable most diligent in this duty stood to win a ten shilling prize.<sup>137</sup> Perhaps the contentiousness of muzzling orders, or the possibility of men being bought off by wealthy dog owners, prompted this policy of rewards. There was also, of course, the possibility that policemen were reluctant to intervene for fear of being bitten. In any case, monetary incentives sustained a remarkable level of police intervention on the street: almost 6,000 animals were captured between 1886 and 1890.<sup>138</sup> Even in such a large city as Leeds, the destruction of thousands of animals could hardly have gone unnoticed. Police activity in this field thus made a significant impact upon the urban environment.

The goal of ‘clean’ streets involved the police not just in the removal of rubbish, idle vehicles and stray dogs, but also those individuals who struggled to eke out a living on the streets. Hawkers and street sellers, often children, comprised one such group.<sup>139</sup> They regularly attracted complaints from residents and (rival) shopkeepers, who levelled

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<sup>135</sup> L.T., 21/6/45, p.3.

<sup>136</sup> G.O.4, 17/3/76, p.48.

<sup>137</sup> L.D.N., 5/1/81, no page.

<sup>138</sup> Leeds Police Reports (1890), table sixteen.

<sup>139</sup> On child street vendors see Tom Maguire, ‘The Gutter-Sparrow’ in Albert T. Marles (ed.), *Hypnotic Leeds: Being Essays on the Social Condition of the Town*, Leeds: Leeds and County Co-Operative Newspaper Society, 1894, pp.5-8. Further on police supervision, see Phil Cohen, ‘Policing the Working-Class City’ in Mike Fitzgerald, Gregor McLennan and Jennie Pawson (eds), *Crime and Society: Readings in History and Theory*, London: Routledge and Kegan Paul, 1981, pp.116-121; Barbara Weinberger, ‘Policing Juveniles: Delinquency in Late Nineteenth- and Early Twentieth-Century Manchester’, *Criminal Justice History* 14 (1993), pp.44-48; Brogden, *Autonomy and Consent*, p.52.

accusations of 'disorderly' conduct.<sup>140</sup> In 1864, following numerous complaints of lads hawking their wares in the principal streets, the police were reminded to move them on and report persistent offenders to the Central Office.<sup>141</sup> While certain street traders were harassed by the police, others were formally licensed and confined to specific spaces. After 1875, each licensed shoeblack was given a specific patch from which to ply his trade, with the police responsible for enforcing the terms of these licences.<sup>142</sup> Street sellers lived on the margins of society, yet their interaction with the police could provoke controversy where special interests were concerned, such as the 1864 accusation of improper police interference with sellers of the *Leeds Express* newspaper.<sup>143</sup>

While regular police scrutiny was a fact of life for hawkers, the threat of penal sanction was most tangible for the very poor. Beggars and vagrants often found themselves on the sharp end of police discipline in the nineteenth century, thanks in part to the widespread view that the vagrant was but one remove from the felon. That Read shared this view is obvious from his assessment of vagrants arrested in Leeds: 'had they not been apprehended by the Police in this early stage of crime, Felonies of no light character would have been laid to their charge'.<sup>144</sup> Little wonder, then, that policing the poor was a central duty in this period. In 1839, the Watch Committee agreed to send a policeman to the Vagrant Office every evening, at the Chief Constable's discretion, to assist in inspecting and examining vagrants.<sup>145</sup> Even late in the nineteenth century, constables were repeatedly reminded of their duty to suppress begging and vagrancy. In 1866, they were ordered to apprehend 'all persons found within the Borough, having no visible means of subsistence,

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<sup>140</sup> See for example G.O.1, 11/10/61, p.45.

<sup>141</sup> G.O.1, 9/2/64, p.139.

<sup>142</sup> W.C.11, 3/12/75, p.225.

<sup>143</sup> W.C.7, 12/2/64, p.249.

<sup>144</sup> Leeds Police Reports (1852), p.3.

<sup>145</sup> W.C.1, 15/2/39, pp.79-80. Similar requests for assistance in the 1850s were also granted: W.C.4, 10/6/53, pp.168-69; W.C.6, 15/7/59, p.75.

or who are found begging, or soliciting alms, or exposing any pretended wound or deformity for the purpose of obtaining charitable contribution'.<sup>146</sup> Other groups were the object of specific police instructions, such as Henderson's 1877 order that the police keep a sharp look out for Italian street children; where he had sufficient evidence, the constable was to take each child into custody.<sup>147</sup>

The police formed a dominant presence in the lives of such people. Vagrancy was already a clear police priority under the night watch (see table 3.1); indeed, the enforcement of vagrancy legislation was probably most rigorous in the 1830s, under the old and new police. There can be no doubt that law-enforcement was a common hazard for the very poor. There remained, however, in the second half of the nineteenth century, frustration at the persistent presence of undesirable characters on the streets. Shopkeepers and others occasionally complained to the Watch Committee about disruptive newsvendors or meat sellers,<sup>148</sup> and the Charity Organisation Society requested in 1880, 'that the Police should be instructed to increase their exertions for the suppression of Street beggars'.<sup>149</sup> While policing street traders was to some extent a discretionary task, the policy with respect to beggars was one of eradication rather than containment; for this reason, and because of vagrancy's criminal connotations, chief constables were especially concerned about the failure to clear them from the streets. Shortly after arriving in Leeds, Henderson expressed himself 'very anxious to put a stop to the practice [begging]', urging 'each Constable to use every exertion to detect, and apprehend, the offenders'.<sup>150</sup> In 1877 and again in 1886, the men received further orders to bring down the number of beggars.<sup>151</sup>

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<sup>146</sup> G.O.1, 9/11/66, p.223.

<sup>147</sup> G.O.4, 31/7/77, p.128.

<sup>148</sup> W.C.13, 23/7/80, p.185; W.C.14, 24/10/84, p.211. See also L.T., 12/9/85, p.3.

<sup>149</sup> W.C.13, 9/1/80, p.127.

<sup>150</sup> G.O.3, 1/3/75, p.273.

<sup>151</sup> G.O.4, 5/2/77, pp.109-110; G.O.5, 15/1/86, p.196.



Why did an advanced, sophisticated police force, hundreds of men strong, struggle to rid public spaces of such people? In the case of street traders in particular, the law hindered police activity somewhat.<sup>152</sup> The licensing system which regulated shoeblacks meant the police were only to intervene, 'when complaints were made by the public respecting them'.<sup>153</sup> More broadly, the police role in regulating shoeblacks was rather complex, producing rather ambiguous instructions to the men: '[s]uperintendents must instruct the officers in their divisions to report all obstructions caused by shoeblacks, but must be satisfied that an offence has been committed, and must pay particular attention to obstructions of a more serious nature'.<sup>154</sup> In managing groups with a legitimate street presence, then, the police were accorded considerable discretion in selecting their targets; yet even in the more straightforward field of vagrancy, the need to demonstrate public offence theoretically contained police authority. Hence, on receiving a complaint, constables were advised *not* to apprehend the beggar immediately, but rather take the complainant with them, and make the arrest only with the charge being preferred in the beggar's presence.<sup>155</sup> Given that conviction rates for begging were considerably higher than most other offences, such complications were perhaps modest; the question remains, however, as to whether this owed to the ease of prosecution, or to police selection in favour of more straightforward cases.

If complaints were important in proceeding against beggars, their survival might be due in part to public hesitancy to assist the police. In 1871, constables were told to 'impress upon persons to whom solicitation is made, the necessity of their appearing before the

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<sup>152</sup> Further on this theme, see Robert D. Storch, 'Police Control of Street Prostitution in Victorian London: a Study in the Contexts of Police Action' in David H. Bayley (ed.), *Police and Society*, London: Sage Publications, 1977, pp.49-72; Petrow, *Policing Morals*, passim.

<sup>153</sup> W.C.11, 16/10/74, p.111.

<sup>154</sup> G.O.3, 11/12/74, p.261.

<sup>155</sup> G.O.5, 21/12/81, pp.8-9.

Justices as witnesses against the offenders, and the names of those who may refuse so to attend, should be at once reported to the Chief Constable'.<sup>156</sup> The need to encourage public assistance in prosecuting vagrants is perhaps surprising, given the sustained intellectual assault upon informal support for the destitute in the nineteenth century. Upon the foundation of the Leeds Vagrant Office in 1818, inhabitants were 'respectfully requested to desist totally from relieving all strangers soliciting charity, and to furnish themselves with printed tickets from the vagrant-office, which they will please to give such characters instead of money'.<sup>157</sup> A publication of 1847 likewise aimed to choke off sympathy for the street poor: 'everyday [sic] some hundreds of these pariahs of our social system go about stealing, begging, and infecting the inhabitants with their various diseases'.<sup>158</sup> Such perspectives had come to dominate official discourse by the 1870s,<sup>159</sup> yet their grip on the Victorian imagination remained incomplete, even in organised charitable provision.<sup>160</sup> On the street, common humanity could still loosen the purse strings of passing citizens. According to James Holroyd, speaking at a meeting of the 'Social Improvement Society' in 1872, '[w]ith a firm determination on the part of the public not to give to beggars without full enquiry, the borough might be clear in a few months of its greatest pests'.<sup>161</sup> Given their residual sympathy for the destitute – not to mention the personal discomfort which

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<sup>156</sup> G.O.2, 12/9/71, no page. See also Duty Book of Frederick Symonds.

<sup>157</sup> L.L.F.H.L., 362.51 L51L: 'Suppression of Vagrancy: Resolutions of a Vestry Meeting of the Inhabitants of Leeds, held at the Parish Church on Wednesday the 25<sup>th</sup> of November, 1818', p.2.

<sup>158</sup> Anon., *Beggars, Criminals, Fevers, and Ragged Schools*, Leeds: David Green, 1847, p.4.

<sup>159</sup> Gareth Stedman Jones, *Outcast London: a Study in the Relationship Between Classes in Victorian Society*, 1971, London: Penguin, new edition 1984, chapters fifteen and sixteen; Paul Lawrence, 'Policing the Poor in England and France, 1850-1900' in Clive Emsley, Eric Johnson and Pieter Spierenburg (eds), *Social Control in Europe*, volume two, Columbus, OH: Ohio State University Press, 2004, pp.213-14.

<sup>160</sup> Carl Chinn, *Poverty amidst Prosperity: the Urban Poor in England, 1834-1914*, Manchester: Manchester University Press, 1995, pp.105-107.

<sup>161</sup> James Holroyd, *A Paper on the Social Condition of Leeds; with Special Reference to its Pauper, Mendicant, and Criminal Population; the Dwellings of the very Poor; and the Removable Causes of Disease, Poverty, and Crime*, Leeds: McCorquodale & Co., 1872, p.6.

often attended supporting a prosecution in court – the public could hardly be relied upon to support the war on mendicancy.

The sensibilities of police constables themselves may also have thwarted the drive to eradicate these ‘pests’ from the streets. Policemen doubtless shared no single outlook on these matters, and many faced with a beggar on a dull night were probably grateful for something to do. Furthermore, given the intensity of work and discipline in the force, few sympathised with roaming vagrants who lived by the labour of others.<sup>162</sup> Yet local beggars – labourers and their relations, down on their luck – were not always cast in the same light.<sup>163</sup> That chief constables bothered to explain the rationale for arresting beggars *en masse* suggests at least the perception of police sympathy for the poor. Thus, in 1871, Wetherell highlighted the adequacy of charitable provision for the city’s ‘deserving’ poor.<sup>164</sup> His successor took a slightly different tack, impressing upon the men the beggar’s darker side: ‘[n]ot a day passes but numerous complaints are made about them and there is no doubt that to them are traceable many of the petty robberies recently reported’.<sup>165</sup> As Paul Lawrence has argued, however, police constables were generally more sceptical concerning the supposed overlap between beggars and thieves than their masters.<sup>166</sup> For these reasons, Wetherell was troubled by:

numerous complaints of the non-removal or apprehension of persons exposing deformities and wounds for the purpose of obtaining charitable contributions, and also of others committing acts of vagrancy in the Streets...In future, if it is proved that this class of vagrants remain for any time on a constable’s beat, the Chief Constable will feel compelled to fine the Constable who permits such breaches of the law to take place while he is on duty.<sup>167</sup>

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<sup>162</sup> See Lawrence, ‘Images of Poverty and Crime’, pp.72-74; Lawrence, ‘Policing the Poor’, pp.214-17.

<sup>163</sup> Lawrence, ‘Images of Poverty and Crime’, pp.75-76.

<sup>164</sup> G.O.2, 12/9/71, no page.

<sup>165</sup> G.O.4, 5/2/77, pp.109-110.

<sup>166</sup> Lawrence, ‘Images of Poverty and Crime’, pp.68-69.

<sup>167</sup> G.O.3, 16/2/72, p.18.

One should, though, be under no illusions as to the impact of the police on the poor. While marginal figures retained their place on the streets, the police certainly made a tangible impression upon their lives. For such people, new forms of police organisation – from the night watch onward – brought a marked up-shift in everyday discipline, at the same time as certain traditional means of making a living were threatened by industrial change.<sup>168</sup> The poor presented soft targets for police discipline; some constables sympathised with them, yet the tedium of the beat also left men desperate for a release.<sup>169</sup> If the police were bound never to eradicate the street poor, they nonetheless succeeded in making their lives still more difficult, and periodically shipping them off to prison for a month or so at a time. Together with traffic regulation and sanitary duties, policing the poor formed part of a sweeping mission to purify the urban environment in the nineteenth century. While watchmen and constables encountered difficulties in these duties, they surely succeeded, from 1815, in enforcing a greater degree of order on the streets.

## Recreational Life

The final aspect of policing under scrutiny in this chapter is the surveillance of working-class leisure. Besides clearing various ‘nuisances’ from urban public spaces, the police were charged with regulating certain ‘deviant’ aspects of popular recreational life. This section thus extends the analysis of street order policing from the experience of the

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<sup>168</sup> This applies most famously to handloom weaving; see E.P. Thompson, *The Making of the English Working Class*, 1963, paperback edition, London: Penguin, 1991, chapter nine.

<sup>169</sup> Hence too the pleasures of restoring lost children to their parents: see Samuel (ed.), *East End Underworld*, p.36.

marginal to that of the working class at large. Standing in the street, drunk or sober, was a core working-class leisure activity in the Victorian city; indeed, the centrality of the street to everyday pleasure and sociability exposed most city dwellers to frequent contact and occasional conflict with the police. This section thus draws together the policing of specific leisure activities – drinking, gambling, children’s games – with attempts to civilise working-class street life more broadly.

Alcohol consumption was notoriously high in nineteenth-century England, and public drunkenness was always a key police priority. The night watch arrested more people for drunkenness than any other single other offence by the 1830s, while their successors in the new police also enforced closing times, supervised drinking places and expelled drunks from public houses.<sup>170</sup> Diverse street pleasures – betting, games, prizefights and running races, all regularly criticised by a section of the residential population – were also subject to police regulation before and after 1836. The arrest was central to regulating such popular amusements, yet it made little sense to pack the cells full of those who posed little threat to the peace; from the later nineteenth century, chief constables regularly advised their men to take the names of drunks and gamblers and issue summonses, rather than locking them up overnight.<sup>171</sup> As will be demonstrated, constables did not always abide by these instructions.

Most of those charged with drunkenness were adult men, yet children’s amusements were also subjected to police supervision.<sup>172</sup> Materially deprived, most boys and girls resorted to primitive yet imaginative games, always played outdoors, which frequently

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<sup>170</sup> Storch, ‘Domestic Missionary’, p.483; W.C.2, 6/1/43, pp.15-16; G.O.3, 16/8/72, pp.63-64.

<sup>171</sup> G.O.4, 8/8/76, p.69, 1/12/76, p.102, 3/4/76, p.52, 28/7/79, p.214.

<sup>172</sup> Note too the popularity of gambling amongst young men and lads: Mark Clapson, *A Bit of a Flutter: Popular Gambling and English Society, c.1823-1961*, Manchester: Manchester University Press, 1992, pp.80-82. Of the twelve males appearing in the surviving police occurrence books for gambling offences, five were recorded as being less than twenty years old (see appendix one for details of this sample).

brought them into conflict with the police.<sup>173</sup> From the 1860s, if not earlier, constables were directed to suppress a range of youth recreations, including playing at 'piggy', street football, throwing stones at passing trains, sledding and throwing snowballs.<sup>174</sup> Moving beyond the police records, one discovers that such duties were punctuated by bouts of summary chastisement, sometimes supported by the magistrates.<sup>175</sup> In 1837, for example, the justices refused to entertain a foreman's complaint for assault on behalf of his son, who had been repeatedly caned over the back by a policeman after bathing in the river:

Mr. Clapham thought it was a great deal better for the policeman to administer a little punishment in this way, than for him to be brought before them and be sent to Wakefield House of Correction of three months...Mr. Lupton observed that the policeman...had only done and not exceeded his duty, and what he (Mr. Lupton) should have done had he been in his situation, therefore the charge was dismissed.<sup>176</sup>

The threat of violence alone was usually enough to maintain order. Samuel Shaw, who grew up in late nineteenth century Birmingham, remembered how he and a friend used to lay matches on the railway tracks, 'disturbed occasionally by a policeman who would frighten us away temporarily simply by unbuckling his belt.'<sup>177</sup>

Given the centrality of the street in popular culture, the beat system naturally brought policemen into contact with recreational life. Periodically, though, policemen were

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<sup>173</sup> Anna Davin, *Growing up Poor: Home, School and Street in London 1870-1914*, London: Rivers Oram Press, 1996, chapters three and four; David Vincent, *Bread, Knowledge and Freedom: a Study in Nineteenth-Century Working-Class Autobiography*, London: Europa Publications, 1981, pp.90-91; Stephen Humphries, *Hooligans or Rebels? An Oral History of Working-Class Childhood and Youth 1889-1939*, Oxford: Basil Blackwell, 1981, pp.146-49.

<sup>174</sup> W.C.7, 13/5/64, p.276; G.O.1, 17/6/61, p.13, 22/6/61, p.14, 5/1/67, p.229; G.O.3, 21/1/73, p.108; L.T., 1/5/75, p.3.

<sup>175</sup> Humphries, *Hooligans or Rebels?*, p.147.

<sup>176</sup> L.T., 24/6/37, 4.

<sup>177</sup> Sam Shaw, *Guttersnipe*, London: Sampson Low, 1946, p.8.

deployed to specific events, such as the out-township ‘feasts’.<sup>178</sup> By 1845 – before all suburbs came under Watch Committee authority – around £40 was expended annually on ‘[a]ttending [f]easts’, which paid for five extra policemen at Holbeck and Hunslet, plus one sergeant and two men to Armley, Bramley and Chapeltown.<sup>179</sup> Such duties lasted at least into the 1860s,<sup>180</sup> as did special deployments to supervise fairs within Leeds itself.<sup>181</sup> Certain celebrations also warranted dedicated police provision, including November the Fifth.<sup>182</sup> Men on duty in the Irish districts patrolled in pairs on St Patrick’s Day in an attempt to keep order, and further constables were drawn into the city centre from the out-townships.<sup>183</sup>

Other special duties to supervise popular amusements were delivered not at the behest of the Watch Committee, but as private policing services. No ‘additional constables’ were recorded in the Leeds Police returns,<sup>184</sup> yet men dispatched to special duties were almost certainly hired as security personnel; theatres, circuses and especially music halls were all prominent clients of the Watch Committee.<sup>185</sup> Arrangements varied from a single day or evening to more substantial (though still temporary) contracts: for one week in October 1861, the Theatre Royal enjoyed the services of a police constable each evening.<sup>186</sup> By the 1890s, the Committee had established a formidable policing empire; according to Webb, ‘[s]pecial services rendered to Music Halls, Theatres, &c., &c., are charged 9d per

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<sup>178</sup> On amusements at the feasts, see Joseph Lawson, *Progress in Pudsey*, 1887, Firlie: Caliban Books, reprint, 1978, pp.30-33.

<sup>179</sup> W.C.2, 28/3/45, pp.231-32.

<sup>180</sup> G.O.2, 11/9/68, p.64, 18/9/68, p.66, 25/9/68, p.69.

<sup>181</sup> G.O.2, 9/11/68, pp.80-81.

<sup>182</sup> See G.O.1, 4/11/63, p.128.

<sup>183</sup> G.O.2, 17/3/67, pp.25-26.

<sup>184</sup> On additional constables, see Williams, ‘Constables for Hire’, pp.190-205.

<sup>185</sup> G.O.1, *passim*.

<sup>186</sup> G.O.1, 14/10/61, p.47.

hour per man, which....leaves considerable profit to the Borough (pecuniarily)'.<sup>187</sup> Private services deployed constables in a variety of contexts, yet the most regular source of demand by the 1860s came from proprietors of commercial entertainments whom, as historians have noted, increasingly embraced self-regulation around this time.<sup>188</sup>

What impact did these duties and initiatives have on popular culture in Leeds? The scale of police intervention throughout the century is beyond doubt, especially regarding drunkenness. The night watch was just as active in this respect as the new police: about a third of those arrested in the early 1830s were locked up for drink offences, while police reform in 1836 brought a further (though temporary) surge in control (see above, table 3.1). Drunks still made up about one-fifth of those apprehended in 1852, by which time police priorities had re-oriented towards theft.<sup>189</sup> By the 1880s, the initial profile of police activity was restored, with these offences again accounting for about a third of arrests year-on-year (see table 3.6). This duty was clearly central to the police role, yet what makes the latter figures all the more remarkable is that constables were repeatedly advised *not* to arrest drunkards. Chief Constable John William Nott-Bower understood that these orders were widely ignored; lamenting in 1879 that 'previous General Orders issued to this effect have been almost forgotten', he recognised – as the figures suggest – that his men were rather too eager to throw men in the cells.<sup>190</sup> The extent of police interference in other leisure pursuits is much less easy to quantify, as they did not fall into distinct statistical categories. Yet on the basis of drink alone, the police undeniably constituted a major (and often unwelcome) intrusion into the everyday lives of the nineteenth-century working class.

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<sup>187</sup> Leeds Police Reports (1892), p.17.

<sup>188</sup> See Peter Bailey, *Leisure and Class in Victorian England: Rational Recreation and the Contest for Control, 1830-1885*, 1978, London: Methuen, second edition 1987, chapter nine, especially pp.172-75; Hugh Cunningham, 'The Metropolitan Fairs: a Case Study in the Social Control of Leisure' in A.P. Donajrodzki (ed.), *Social Control in Nineteenth-Century Britain*, London: Croom Helm, 1977, pp.163-64.

<sup>189</sup> The actual figure is 18.6 per cent: Leeds Police Reports (1852), tables one and four.

<sup>190</sup> G.O.4, 28/7/79, p.214.



While it was exercised selectively, the threat of arrest continually hung over those who remained attached to traditional enjoyments and excesses.

	1878	1880	1882	1884
<b>Licensing Act (1872): drunkenness, and drunk and disorderly</b>	1340	1193	1398	1463
<b>All offences</b>	3791	4020	4309	4228
<b>Proportion of apprehensions for drunkenness offences (per cent, to three significant figures)</b>	35.3	29.7	32.4	34.6

**Table 3.6: Apprehensions for by the Leeds Police drunkenness offences, 1878-1884.**  
**Sources:** Leeds Police Reports, 1878 (table five), 1880 (table four), 1882 (table one), 1884 (table one).

Furthermore, the police often went to quite remarkable lengths to suppress even the pettiest forms of ‘disorderly’ behaviour. In 1872, they received complaints about boys loitering outside shops in Headingley Lane and Hyde Park Corner; despite repeated cautions, the nuisance continued unabated. Accordingly, two constables were sent in plain clothes to detect the boys, three of whom (aged eleven to fourteen) were subsequently summonsed.<sup>191</sup> This case was not isolated. Ten years later, Mr Atkins – who was apparently ‘very ill’ at the time – complained that he was ‘greatly disturbed’ by noisy children near his home. Atkins’s contacts apparently secured a vigorous police response: ‘some members of the Barr has [sic] called and the C.C. Wishes you to send a man in plain clothes there’.<sup>192</sup> Both of these cases came from Headingley, an affluent suburb where residents were probably especially sensitive to the annoyances of children on the street; yet they

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<sup>191</sup> H.O.B., 15/2/72.  
<sup>192</sup> H.O.B., 4/2/82.

demonstrate that loud children on street corners were considered suitable targets for plain clothes policing,<sup>193</sup> and that the force could react quickly and effectively to such nuisances in response to complaints from discontented ratepayers.

Yet despite the nature and scale of intervention, the policeman was never an unfailing and uncompromising 'domestic missionary', keeping close and unrelenting surveillance over the lower orders.<sup>194</sup> As more recent histories insist, there were compromises in the enforcement of temperance.<sup>195</sup> Chief constables sometimes allowed a temporary respite in the suppression of drunkenness, including at Christmas time, when Henderson told his men 'not to interfere unnecessarily, unless the offenders are creating a disturbance or are really unfit to take care of themselves'.<sup>196</sup> More often, policing was negotiated informally, on each individual beat. Those creating a drunken disturbance were usually first given the opportunity of going home quietly. In 1880, Sergeant Wright of Headingley reported Michael Connell for being drunk in Otley Road: 'I order [sic] him away several times and he told me he would not go for me. I brought him to the Station and took his name and address and told him he would be summonsed'.<sup>197</sup> Three years later in Farnley, Constable Lawler similarly reported John Heaton Gilbertroyd for being drunk and riotous around midnight: 'the Officer requested him to be quiet & go home & he refused the Officer then took him to the Police Station took his name & address & told him he would be reported'.<sup>198</sup> While these individuals passed up the opportunity to avoid prosecution, most surely did not. Additionally, constables were not expected to charge *all* those drinking to excess, but only those who were either persistently 'riotous' or so drunk

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<sup>193</sup> In spite of residual concerns about undercover duties: see Morris, 'Detectives', pp.81-83.

<sup>194</sup> Storch's portrait of the 'domestic missionary' was not, in fact, unqualified: Storch, 'Domestic Missionary', p.485.

<sup>195</sup> See especially Inwood, 'Policing London's Morals', pp.135-140.

<sup>196</sup> G.O.4, 24/12/75, p.34.

<sup>197</sup> H.O.B., 18/12/80.

<sup>198</sup> W.Y.A.S., WYP/LE/A90/258: Farnley Occurrence Book (F.O.B.), 13/5/83.

as to be incapable of taking care of themselves. As the Chief Constable of Bradford reminded magistrates confronted by Jane Johnson (an 84-year old habitual drunkard from Leeds), policing drink was a highly discretionary enterprise:

The prisoner is down upon your sheet, sir, as having been in custody here 20 times, but I think if you add another 0 to it it will not be beyond the number of times she has really been in custody here and at Leeds... We might, had we chosen, have locked her up several times.<sup>199</sup>

Police compromises in dealing with drunkenness also hinged on another consideration: the risk of assault. Urban policing was a dangerous job, punctuated by violence on both sides.<sup>200</sup> In 1874, Constable Wood reported three masons for being drunk and riotous at the Skyrack Inn, Headingley. Although they refused to leave the premises, Wood 'did not attempt to expel them knowing them to be violent men when under the influence of drink'.<sup>201</sup> Sometimes, not knowing the individuals concerned, policemen did not exercise such judicious caution. The following month, Constable Henry ordered a drunken man in Town Street to go home, whereupon 'the man got up and run [sic] at the Officer and Struck him on the head with a stone he had in his hand and knocked him down and kicked him on the arm he [Henry] then became Insensible and knew no more'.<sup>202</sup> Perhaps Henry and his colleagues would think twice in future before interfering with intoxicated strangers. As Superintendent Bent of Lancashire discovered, police interference of any kind was liable to be met with violent resistance: he recalled having once caught a

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<sup>199</sup> L.D.N., 26/4/81, no page.

<sup>200</sup> See Clive Emsley, "'The Thump of Wood on a Swede Turnip': Police Violence in Nineteenth-Century England", *Criminal Justice History* 6 (1985), pp.129-131; Emsley, *English Police*, pp.230-33; Shpayer-Makov, *Making of a Policeman*, pp.139-144; Archer, *Monster Evil*, chapter four.

<sup>201</sup> H.O.B., 20/1/74.

<sup>202</sup> B.O.B., 28/2/74.

drunken man to prevent him falling into the road, only to receive a heavy kick (and a broken finger) for his trouble.<sup>203</sup>

As street violence in this period was often treated as drunk and disorderly behaviour,<sup>204</sup> the policing of drink also concerned choosing when to intervene in fights and scuffles. Newspaper reports indicate that such interference was a common pretext for assaults on policemen. In 1835, two watchmen were 'violently assaulted' by a couple of Irishmen upon trying to break-up a fight, while a month later Constable Walker was severely ill-used with his own staff after attempting to quell a brawl at a pub in Armley.<sup>205</sup> Such exchanges were recognised as a common hazard of the policeman's trade. In his memoir, Charles Arrow recollected the advice he received as a new recruit in the Metropolitan Police:

If you are called to a fight, and you are alone, don't go off in a panting hurry to interfere. Most people prefer to see a friendly fight in quarters like this than to see a policeman come and spoil it. Give 'em a chance, and step in when you think they have both had enough of it.<sup>206</sup>

After being attacked in Green Road by two men hurling stones and bricks, Constable Page even went so far as to ask the stipendiary magistrate that one of the men – Joseph Gleeson – be bound over to keep the peace against him, 'as he was afraid he would do him some bodily harm.'<sup>207</sup> Policemen did not therefore take lightly the threat of physical injury when

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<sup>203</sup> Superintendent Bent, *Criminal Life: Reminiscences of Forty-Two Years as a Police Officer*, Manchester: John Heywood, 1891, pp.133-34.

<sup>204</sup> Barry Godfrey, 'Counting and Accounting for the Decline in Non-Lethal Violence in England, Australia, and New Zealand, 1880-1920', *The British Journal of Criminology* 43 (2003), p.343.

<sup>205</sup> L.T., 21/2/35, no page, 21/3/35, no page. For examples later in the century, see L.D.N., 14/3/82, no page, 20/3/82, no page.

<sup>206</sup> Arrow, *Rogues and Others*, pp.22-23. (I owe this reference to Paul Lawrence.)

<sup>207</sup> L.D.N., 24/4/82, no page.

considering whether an individual was sufficiently drunk or 'riotous' to warrant intervention.

Police efforts to enforce pub closing times were also, on occasion, subject to illicit compromises: bribes.<sup>208</sup> One afternoon in 1872, Constable Booth saw a drunken man enter the White Hart pub in Town Street, Beeston. After the landlord failed to eject his new customer, Booth entered the pub, finding the man served with a pint of beer. Telling the landlord's wife they would be reported, Booth was met with a stern reply: 'you Dare not I will Report you for allowing the Punch Bowl Public House to keep Open During prohibited Hours'. Booth denied any knowledge of collusion, yet the landlord was seemingly never summonsed, while the drunken man was convicted.<sup>209</sup> This incident is suggestive, especially as certain members of the Leeds Police were indeed receiving bribes by the late nineteenth century (see above, chapter two). A further dubious exchange arose in 1871, during the early hours of the morning, when Sergeant Pool and Constable Myland overheard voices coming from the Imperial Hotel in Beeston. Upon knocking at the door, 'the Landlord first asked who was there PC Myland made answer Police the Landlord then said which Police Beeston or Holbeck [?] Myland made answer Police belonging to the Borough of Leeds. the [sic] Landlord then opened the door'.<sup>210</sup> The publican may have been stalling for time, yet his concern to establish which policemen were at the door might indicate some prior arrangement with the Holbeck division.

Where compromises in policing were less accommodating – in the suppression of street betting – officers still struggled to bring offenders to justice. In 1879, Constables Palmer and Ringrose saw a crowd of 30 people playing pitch and toss near Dewsbury Road,

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<sup>208</sup> See further Petrow, *Policing Morals*, pp.199-203.

<sup>209</sup> B.O.B., 28/10/72.

<sup>210</sup> B.O.B., 12/8/71.

Beeston. After watching for some twenty minutes, ‘they then went towards them they [the gamers] then Run [sic] away the Officers then pursued [Joseph] Mitchel and apprehended him’.<sup>211</sup> Since there was no indication that Mitchel was some sort of ringleader – he was not even known to police prior to his arrest – the escape of 29 offenders seems rather a heavy price to pay for the apprehension of a single participant. A few months later, Constable Palmer managed to seize another gamer – 18 year-old Herbert Thomas – yet none of the ‘[s]everal [o]thers’ he was engaged with.<sup>212</sup> Similar difficulties impeded the apprehension of children playing in the streets. In 1890, Constable Battey reported finding a football in School Close, which some boys had been playing with: ‘when they saw the PC they run [sic] away & left it’.<sup>213</sup> The challenge of detaining a crowd of strangers was rarely surmounted by even a pair of constables: most offenders were bound to get away.

As with clearing ‘undesirables’ from the streets, there were certain legal difficulties in policing street betting. Following repeated complaints to the Watch Committee, chief constables in 1879 and 1886 reported that in many other large towns, the police had obtained special powers to arrest betting men in the streets, yet the Committee failed to take steps towards similar provision in Leeds.<sup>214</sup> In the meantime, complaints kept pouring into the Committee, and chief constables pined for more extensive authority. As A.B. Nott-Bower explained, following concerns expressed by a high-powered residential delegation:

As to the nuisance caused by betting men, it is extremely difficult with the limited power now possessed by the Police (viz., being only able to proceed against them for obstruction) to deal with these persons, for as soon as a police officer appears they move about. A bye-law is required, such as they

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<sup>211</sup> B.O.B., 14/12/79.

<sup>212</sup> B.O.B., 27/3/80.

<sup>213</sup> F.O.B., 18/2/90.

<sup>214</sup> W.C.13, 4/4/79, p.49, 10/4/79, p.51; W.C.14, 2/4/86, p.338, 9/4/86, p.340.

have in London and other towns, making betting in the streets a punishable offence.<sup>215</sup>

While police powers of arrest were certainly impressively broad in this period, it would be a mistake to assume that those under surveillance were incapable of devising ways to frustrate constables on the beat.<sup>216</sup>

Thus, for a variety of reasons, police efforts to cleanse the streets of traditional excesses and their rough consequences were frustrated throughout the nineteenth century, as representations to the Watch Committee suggest. Of course, complaints do not measure the actual incidence of deviant practices; in fact, a greater measure of street decorum might render disorderly conduct all the more unpalatable, and thus provoke further complaints.<sup>217</sup> However, the regularity of residential protest indicates that the police were unable to eradicate such disorderly scenes from the streets of Leeds.<sup>218</sup> In an average year between 1875 and 1890 – when the streets were almost certainly somewhat more orderly than they were at mid-century – the Committee could expect between two and three such representations. While individual letters might be written off as the work of a few isolated busy-bodies, complaints most commonly came in the form of delegations and memorials from residents or shopkeepers, suggesting more substantial, organised discontent. The Committee was primarily notified of ‘disorderly’ or ‘rough’ assemblies in the streets, yet objections to the presence of ‘betting men’ were increasingly frequent from the mid-1880s. Meanwhile residents, shopkeepers and others still sought redress for more mundane grievances, including annoying bouts of football,<sup>219</sup> snowball throwing,<sup>220</sup> and ‘piggy’

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<sup>215</sup> W.C.14, 29/6/83, p.86.

<sup>216</sup> Bookmakers were especially skilful in evading arrest: see Davies, ‘Police and the People’, pp.90-92, 102-103.

<sup>217</sup> See Silver, ‘Demand for Order’, p.21.

<sup>218</sup> On complaints in Middlesbrough see Taylor, *Policing the Victorian Town*, pp.92-94, 180-81.

<sup>219</sup> W.C.15, 30/12/87, p.60.

playing,<sup>221</sup> which were more commonly the subject of individual letters sent to local stations. The prolific Mr Arthington of Headingley wrote to his local station at least five times between February 1883 and November 1884, reporting stones thrown at his house, children opening his gate, and young girls ‘assailing’ him.<sup>222</sup> Further letters, from Headingley and elsewhere, were chiefly concerned with children’s antics: throwing stones,<sup>223</sup> firing catapults,<sup>224</sup> and playing cricket.<sup>225</sup>

Even by the 1880s, the newspapers offered a generally sanguine assessment of the condition of the city’s streets. Heading an 1881 case of drunken and riotous conduct ‘ROWDYISM [sic] IN THE LEEDS STREETS’, the reporter gave extensive space to Bruce’s sour reflections on the state of the town and its police:

Mr. [sic] Bruce...alluded severely to the practice, which he said he found was very common in Leeds, of young fellows assembling in the street, using horribly indecent and brutal language, and behaving in a most disgraceful manner...It was, Mr. [sic] Bruce said, much to the discredit of the authorities that this state of things should exist, and some part of such discredit must fall either on the administrators of justice on account of their not punishing with sufficient severity the persons brought before them for such offences, or on the authorities for not bringing people before the court to be punished.<sup>226</sup>

One particular columnist, ‘Pistol’, repeatedly exposed street disturbances and deficiencies in policing. Concerning Hunslet, which retained a certain ‘rough’ character throughout this period, he observed the following of a fight in 1881:

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<sup>220</sup> W.C.11, 18/12/74, p.128.

<sup>221</sup> W.C.10, 17/5/72, p.153; W.C.11, 10/4/74, p.56.

<sup>222</sup> H.O.B., 27/2/83, 14/2/84, 21/2/84, 5/7/84, 19/11/84.

<sup>223</sup> F.O.B., 11/11/89.

<sup>224</sup> H.O.B., 15/1/84.

<sup>225</sup> B.O.B., 22/6/83.

<sup>226</sup> L.D.N., 14/3/81, no page.



[n]o policeman...appeared upon the scene – as usual. It is simply disgraceful that these fights, which are of common occurrence in Hunslet, and are got up by a band of blackguards, should be permitted to escape the vigilance of the police authorities. This is a matter which the Chief Constable would do well to inquire into.<sup>227</sup>

Of course, historians are ill-advised to judge the state of the streets solely from the evidence of journalists desperate for good copy. These statements do not demonstrate that Leeds remained a rough place in the 1880s, still less that the police failed to have any tangible impact in ‘civilising’ the streets. Rather, they compound the suspicions raised by earlier evidence that the police failed to drive such disorderly displays out of public view.

Yet there were also deeper, structural reasons for the persistence of deviant recreations – and of middle-class disapproval – beyond the limits of policing. The pleasures and excesses of working-class leisure continued to attract hostility from their social betters thanks in part to the incomplete nature of residential segregation in the Victorian city.<sup>228</sup> Of course, different districts in Leeds had quite distinct social profiles; the distinction between East End and West End remained the key frame of reference for contemporaries assessing urban social problems throughout this period.<sup>229</sup> However, as David Ward has demonstrated, there were very few areas of class exclusivity. Using samples of less mobile households, he showed that only 24 per cent shared the same occupational status as both of their neighbours in 1841, and just 14 per cent did by 1871.<sup>230</sup> More generally, the limits of urban transport development held in check the middle-class flight to the suburbs before the

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<sup>227</sup> L.D.N., 16/3/81, no page. See further L.D.N., 2/2/81, no page.

<sup>228</sup> See Peter Bailey, “‘Will the Real Bill Banks Please Stand Up?’ Towards a Role Analysis of Mid-Victorian Working-Class Respectability”, *Journal of Social History* 12 (1979), pp.345-46.

<sup>229</sup> Morris, *Class, Sect and Party*, pp.56-58; Beresford, *East End*, chapter twelve; David Ward, ‘Environs and Neighbours in the “Two Nations” Residential Differentiation in Mid-Nineteenth-Century Leeds’, *Journal of Historical Geography* 6 (1980), pp.140-42.

<sup>230</sup> Ward, ‘Environs and Neighbours’, p.154. Of course, one’s assessment of residential segregation depends very much on the kind of measure one applies: see Colin G. Pooley, ‘Residential Differentiation in Victorian Cities: a Reassessment’, *Transactions of the Institute of British Geographers*, new series, 9 (1984), pp.132-35.

1890s.<sup>231</sup> There were therefore real limits to the separation of the classes in this period; while the middle class could largely escape the smoke and dirt of poorer living quarters, their insulation from boisterous street customs remained far less complete.

Disreputable leisure practices – drinking, gambling, streets games and the like – all survived thanks in part to the lack of alternatives. As Andrew Davies has argued, in spite of considerable research on commercial entertainments, the majority of working-class leisure time was passed informally, much of it on the streets.<sup>232</sup> For most ordinary people, a trip to the music hall – let alone to the seaside – remained an exceptional treat, while everyday leisure was dominated by simpler pleasures. In addition, the poorer sections of the working class remained more or less excluded from most commercial amusements into the twentieth century. As one Armley resident, speaking about the 1930s, remembered: ‘[w]e never went on holiday...If someone said to you “I’m going to Blackpool,” “Ooh you’d say, They’re [sic] millionaires, going to Blackpool for their holidays. It was an unusual thing then, among our class.’<sup>233</sup>

With further circumscribed opportunities for alternative leisure pursuits in the mid-nineteenth century, most Leeds residents had few more exciting ways to pass their free time than through drink, regardless of what the policeman might do about it.<sup>234</sup> Those in the out-townships were especially disadvantaged in terms of leisure choices; the expense of public transportation meant that central commercial entertainment venues remained inaccessible at

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<sup>231</sup> John Armstrong, ‘From Shillibeer to Buchanan: Transport and the Urban Environment’ in Dauntton (ed.), *Cambridge Urban History*, volume three, pp.229-232.

<sup>232</sup> Andrew Davies, *Leisure, Gender and Poverty: Working-Class Culture in Salford and Manchester, 1900-1939*, Buckingham: Open University Press, 1992.

<sup>233</sup> L.L.F.H.L., SRQ 942.75 L947: transcript of Armley recollections, p.18. See also Davies, *Leisure, Gender and Poverty*, chapter two; Walton, ‘Consumerism’, pp.724, 728-730.

<sup>234</sup> See also Lawson, *Progress in Pudsey*, pp.77-78, 83-84.

least until the 1890s.<sup>235</sup> Apart from the out-township moors, the only substantial green space in Leeds at this time was Roundhay Park, which was opened to the public in 1871, yet it was a full three miles outside the city centre, and so difficult for working-class inhabitants to reach.<sup>236</sup> Just like their elders, children habitually took to the streets for amusement. As Anna Davin has argued, the persistent demand for child labour, domestic or waged, meant that established childhood lifestyles were not decisively transformed by the introduction of compulsory schooling in the 1870s.<sup>237</sup> Thus the street remained a vital leisure venue throughout the nineteenth century; poverty played a much larger part in shaping working-class recreational practices than policing.<sup>238</sup>

Yet it was not just poverty which perpetuated established forms of popular culture; there was also a positive attachment to many of the recreations under police surveillance. In the case of gambling, for instance, there is much evidence that enthusiasm amongst working men continued to fuel demand.<sup>239</sup> Bookmakers were sheltered from police surveillance by the popularity of betting, as well as their close integration in working-class communities: Joseph Toole recalled them stepping in to pay for the burial of babies where there was no insurance.<sup>240</sup> The popularity of gambling was evident following the 1877 police crackdown, when the Watch Committee were petitioned by Isaac Shane, who had been a 'material witness' in the series of prosecutions. He pleaded 'that in consequence of the evidence given by him in the recent betting prosecutions he had been compelled to

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<sup>235</sup> See G.C. Dickinson, 'The Development of Suburban Road Passenger Transport in Leeds 1840-95', *The Journal of Transport History* 4 (1959-60), pp.219-221.

<sup>236</sup> Barber, 'Municipal Government in Leeds', pp.79-80.

<sup>237</sup> Davin, *Growing up Poor*, especially chapter ten.

<sup>238</sup> Davies, 'Police and the People', p.115.

<sup>239</sup> See Davies, 'Police and the People', pp.108-110; Clapson, *Bit of a Flutter*, passim. The same was also true of drink: see A.E. Dingle, 'Drink and Working-Class Living Standards in Britain, 1870-1914', *The Economic History Review*, new series, 25 (1972), pp.608-610; Paul Jennings, *The Local: a History of the English Pub*, Stroud: Tempus, 2007, chapter seven.

<sup>240</sup> Joseph Toole, *Fighting through Life*, London: Rich & Cowan, 1935, p.55.

leave the Town through fear of violence', and he applied for a further maintenance grant from the Committee.<sup>241</sup> The extent of popular demand adversely affected the police capacity to suppress gambling on the streets. In response to one correspondent, who bemoaned the inadequacy of the police in this respect, a journalist for the *Leeds Daily News* replied: 'I believe that if people wish to play pitch-and-toss they will find a way to do so in spite of a thousand blue-coated obstacles.'<sup>242</sup>

The growth over the nineteenth century of working-class 'respectability' as a distinct cultural affiliation went some way to diminish the draw of ruder, traditional enjoyments. There was certainly a vibrant culture of working-class self-improvement in Leeds, nurtured by a combination of autodidactic self-help and middle-class patronage.<sup>243</sup> Moreover, numerous historians have argued that, over the final third of the century, labouring people progressively retreated to domestic consumption in search of pleasure, as popular culture became increasingly self-restrained and decorous, save for a 'rough' fringe.<sup>244</sup> These developments, however, did not mean that the bulk of the working class withdrew from less seemly modes of enjoyment from the mid-nineteenth century; there was always far more overlap between competing recreational codes than most historians have allowed.<sup>245</sup> While the Gospel Temperance Mission in Leeds had collected some 16,000

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<sup>241</sup> W.C.12, 16/11/77, pp.155-56.

<sup>242</sup> L.D.N., 22/3/82, no page.

<sup>243</sup> See J.F.C. Harrison, *Living and Learning 1790-1960: a Study in the History of the English Adult Education Movement*, London: Routledge and Kegan Paul, 1961.

<sup>244</sup> See Gareth Stedman Jones, 'Working-Class Culture and Working-Class Politics in London, 1870-1900: Notes on the Remaking of a Working Class' in his *Languages of Class: Studies in English Working Class History 1832-1982*, Cambridge: Cambridge University Press, 1983, pp.199-201, 217-19; M.J. Daunton, *House and Home in the Victorian City: Working-Class Housing 1850-1914*, London: Edward Arnold, 1983, chapter eleven; F.M.L. Thompson, *The Rise of Respectable Society: a Social History of Victorian Britain, 1830-1900*, London: Fontana Press, 1988, pp.276-77; Walton, 'Consumerism', pp.717-18, 727-28; John K. Walton, 'Respectability takes a Holiday: Disreputable Behaviour at the Victorian Seaside' in Martin Hewitt (ed.), *Unrespectable Recreations*, Leeds: Leeds Centre for Victorian Studies, 2001, pp.176-193.

<sup>245</sup> Bailey, 'Role Analysis', pp.337-38; Bailey, *Leisure and Class*, pp.100-101.

signatures to the 'pledge' by 1881,<sup>246</sup> the significance of this fact for the historian of popular culture is unclear. Joseph Toole, who grew up in Salford in the late nineteenth century, visited the local Band of Hope on several occasions as a child, yet hardly for principled reasons: '[w]hen we signed the pledge – which we always took for life – they gave us a three-penny tea-party, and so we were all delighted to sign as many times as we could wangle it.'<sup>247</sup> Moreover, the number of working people self-consciously committed to an 'elevating' lifestyle was always tiny; Angus Reach considered the Leeds Mechanics' Institute in the 1840s a thriving establishment, boasting over 1,800 members, yet attendance at classes apparently rarely exceeded thirty.<sup>248</sup> Even by David Russell's fairly optimistic assessment, only a few thousand workers (chiefly artisans) attended concerts provided by the Leeds Rational Recreation Society in the 1850s, which in any case were never able to offer a genuine alternative to pubs and music halls.<sup>249</sup> Thus, a combination of compulsion and enjoyment sustained the demand for contentious forms of popular amusement throughout the nineteenth century. In attempting to suppress drunkenness, gambling and street games, the police were set a task which they never looked likely to accomplish.<sup>250</sup>

Yet it would be wrong to close on such a lop-sided view, which privileges the chronologies of leisure practices over the lived experience of participants. For the majority who engaged in such illegitimate recreations, there remained the permanent prospect of

<sup>246</sup> L.D.N., 29/4/81, no page.

<sup>247</sup> Toole, *Fighting through Life*, p.34.

<sup>248</sup> [Angus Reach,] 'Leeds' in J.Ginswick (ed.), *Labour and the Poor in England and Wales 1849-1851: the Letters to The Morning Chronicle from the Correspondents in the Manufacturing and Mining Districts, the Towns of Liverpool and Birmingham, and the Rural Districts*, volume one, London: Frank Cass, 1983, pp.205-206. See also Bailey, *Leisure and Class*, pp.62-67; Robert D. Storch, 'The Problem of Working-Class Leisure. Some Roots of Middle-Class Moral Reform in the Industrial North: 1825-50' in Donajkowski (ed.), *Social Control*, pp.150-55; H. Cunningham, 'Leisure and Culture' in Thompson (ed.), *Cambridge Social History*, volume two, pp.318-320.

<sup>249</sup> David Russell, 'The Leeds Rational Recreation Society, 1852-9: "Music for the People" in a Mid-Victorian City', *Publications of the Thoresby Society* 56 (1981), pp.151-53.

<sup>250</sup> See also Taylor, *Policing the Victorian Town*, pp.159-162; Petrow, *Policing Morals*, chapter ten.

police intrusion into their lives. The threat of arrest hung over every drinker out for an evening of merriment, or in search of a quick release from the pressures of industrial life. One too many, and he put himself at risk of spending the night in a cell. For every drinker who ended up in police custody, many more were surely cautioned and sent home – the statistics therefore inevitably underestimate the reach of the police establishment. Boys kicking a football on the street corner knew to run when the constable appeared. The coin gambler unlucky enough to get caught – unlike the bookmaker's stooge more familiar to police historians – was an ordinary man who had to pay his own fine.<sup>251</sup> Finally, the character of policing varied between different localities; the compromises which restrained day-to-day policing did not apply equally everywhere.<sup>252</sup> The suppression of gambling was so effectively enforced in the 'midden' area of Leeds that, by 1890, the Chief Constable had to urge restraint:

Of course the Chief Constable is quite aware of the difficulties the men have of coping with the people in this particular neighbourhood, and would not for a moment wish to discourage the men in their arduous duty in the locality...at the same time the Chief Constable wishes the men to be very discreet in dealing with people in the neighbourhood...there is no doubt that a great many people may be met with in the Vicinity, who are not there for the purpose of betting...Where the persons who are obstructing the footpath, are not known to the men as betting men or bad characters, it will be always be [sic] better to give them a caution prior to taking their names and addresses.<sup>253</sup>

The policing of leisure usually worked on the basis of compromises with the public, in which only a portion – the most persistent or troublesome offenders – were subjected to legal sanction. In such 'rough' neighbourhoods, however, this strategy broke down,

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<sup>251</sup> This point is perceptively made in Clapson, *Bit of a Flutter*, p.82.

<sup>252</sup> Brogden, *Autonomy and Consent*, pp.189-192.

<sup>253</sup> G.O.6, 30/4/90, pp.123-24.

resulting in a mode of law-enforcement which even senior officers considered repressive. While it is frequently assumed that working-class constables diluted the disciplinary policies of their middle-class paymasters, sometimes even chief constables were forced to rein in their 'domestic missionaries'.

## Conclusion

Although this chapter has analysed the police impact in successive, distinct areas of social life, it should already be apparent that police surveillance fell most heavily on the lower orders.<sup>254</sup> The classed discipline of preventative policing was naturally reproduced due to the socially differentiated use of public space. Of course, police action against traffic offenders targeted the middle class at least as much as the working class, not to mention the seizure of unmuzzled pets; yet as those at the bottom of society – most obviously the beggarly poor – made fullest and most creative use of the streets, they inevitably clashed most frequently with the police. As one critic of respectable society thundered in 1894:

You who drink costly wines at the high-class club and in "Society", who get driven home when you are drunk and not to gaol, your clothing and your more cultivated speech (if it be so) cannot separate you from the poor ill-clad drunken criminal you or your friends sit and condemn upon the bench.<sup>255</sup>

The arrest statistics from the late nineteenth century bear out the social skew of policing. In 1880, 53 per cent of men apprehended for all offences were unemployed; the proportion of

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<sup>254</sup> In addition to what follows see especially Gatrell, 'Policeman-State', pp.268-271.

<sup>255</sup> Edward S. Pickard, 'King Bacchus' in Marles (ed.), *Hypnotic Leeds*, p.37.

those arrested for acquisitive crimes (classes two and three) was even greater, at 63 per cent. Just three per cent of male detainees (and only one per cent of females) were able to 'read and write well'.<sup>256</sup>

Furthermore, certain sections of the poor were more closely supervised than others. The Irish were a key 'problem' group, commonly associated with drunkenness and violent criminality.<sup>257</sup> Wetherell believed that their 'savage impulse', fuelled by drink, produced a torrent of violence, which underpinned the higher crime rates of northern industrial cities.<sup>258</sup> While the Irish were overrepresented amongst those arrested in Leeds by the mid-nineteenth century, the reasons for this are unclear.<sup>259</sup> Terrence Dillon argues that their violence and disorderly conduct was a product of poor and crowded living conditions in the East End,<sup>260</sup> yet they still stood out after at least modest improvements to housing in the 1850s.<sup>261</sup> In 1880, 28 per cent of men arrested in Leeds were recorded as Irish, as were 31 per cent of women. The proportion arrested for violent crimes (class one) was even higher: 34 per cent of men, 46 per cent of women.<sup>262</sup>

Certainly, the Irish were over-represented for much the same reasons as the working class at large – their extensive use of public space. As relations between the police and Irish were especially poor, they may have encountered little sympathetic consideration from individual constables.<sup>263</sup> Yet part of the explanation must concern the selective distribution of police resources. Since at least the mid-nineteenth century, the East End of Leeds, where

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<sup>256</sup> Leeds Police Reports (1880), table four. Exactly what 'read and write well' meant is, of course, a moot point.

<sup>257</sup> Barry S. Godfrey, Paul Lawrence and Chris A. Williams, *History & Crime*, London: Sage Publications, 2008, pp.111-12.

<sup>258</sup> Leeds Police Reports (1867), p.6; C.C.L., 12/1/72, pp.107-108.

<sup>259</sup> Dillon, 'Irish in Leeds', pp.14-16. More broadly, see Roger Swift, 'Heroes or Villains? The Irish, Crime, and Disorder in Victorian England', *Albion* 29 (1997), pp.408-410; Godfrey, Lawrence and Williams, *History & Crime*, pp.117-18.

<sup>260</sup> Dillon, 'Irish in Leeds', pp.11-15, 18.

<sup>261</sup> See Dillon, 'Irish in Leeds', pp.19-22.

<sup>262</sup> Leeds Police Reports (1880), table four.

<sup>263</sup> See Swift, 'Heroes or Villains?', p.414.



the majority of Irish immigrants were housed, was singled out for additional police surveillance. Discussing the area in 1850, Read notified the Watch Committee of 'the agitated and bad feeling existing amongst the dense population of Irish there residing', and advocated an additional sixteen or eighteen men, plus a further senior officer, for the district on winter evenings.<sup>264</sup> We have also seen that St Patrick's Day celebrations were met with additional police manpower in the Irish quarters, while the broader, popular drunken excess of Christmas time led, if anything, to a relaxation in policing. As Jennifer Davis has argued, limited resources led the police authorities to concentrate their efforts on specific groups and locales; in this context, the Irish were deliberately singled out.<sup>265</sup>

This chapter has underlined the complex relation between the condition of police forces and the qualities of policing in practice. David Taylor has argued that the more settled composition of police forces from the 1870s was a sign of increasing 'professionalism', accompanied by advances across the board in tackling property crime, street disorder and gang violence.<sup>266</sup> While veteran policemen were best equipped to catch serious criminals, however, the casual, opportunistic nature of most property crime cautions against exaggerating the significance of experience. In other duties, it is still less apparent that experience was the foundation of effective policing. Dragging a drunkard or vagrant into the station hardly required considerable expertise, while the mechanics of patrolling the beat were presumably elementary. More experienced constables were probably better able to negotiate interactions with offenders – and so the growth of a more stable force may well

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<sup>264</sup> W.C.3, 29/11/50, p.304. The Committee shared Read's view, though characteristically allocated just ten additional men: W.C.3, 6/12/50, p.308.

<sup>265</sup> Jennifer Davis, 'Urban Policing and its Objects: Comparative Themes in England and France in the Second Half of the Nineteenth Century' in Clive Emsley and Barbara Weinberger (eds), *Policing Western Europe: Politics, Professionalism and Public Order, 1850-1940*, Westport, CT: Greenwood Press, 1991, pp.8-12; see also Taylor, *New Police*, pp.121-23.

<sup>266</sup> Taylor, *Policing the Victorian Town*, chapter eight; Taylor, *New Police*, chapter three.

have fostered increasingly cordial relations between police and public – yet this is somewhat removed from the question of police efficiency. None of this devalues the growing scholarship on police personnel, yet it signals that connecting the histories of policemen and policing is not as straightforward as previous studies suggest.

Historians should exercise similar caution before inferring operational restraint from the backgrounds of police constables. There is a tendency amongst scholars nowadays to assume that policemen's working-class roots consistently mellowed the repressive policies of watch committees and chief constables.<sup>267</sup> Yet in fact, as we have seen, discretion often operated in a more complex fashion. The rank-and-file's eagerness to make arrests for petty offences concerned local governors and senior officers throughout the nineteenth century. In 1837, the Improvement Commissioners requested that the police be instructed to move on persons loitering in the street, yet the Mayor apparently demurred that 'there was a danger in *even reminding the police* of these matters too often, for they were apt to fulfil their instructions to the letter, rather than according to the spirit, in which they were intended.'<sup>268</sup> Over thirty years later, Wetherell felt compelled to remind his men that they were:

only justified in apprehending persons on Charges of Drunkenness who are incapable of taking care of themselves or who behave in a riotous, disorderly, or indecent manner in the Public Streets of the Borough. Persons who are merely under the influence of liquor and not annoying others or in danger themselves, from being so intoxicated, should not be apprehended or summonsed.<sup>269</sup>

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<sup>267</sup> See especially Taylor, *New Police*, pp.92-95, conclusion. See also Klein, *Invisible Men*, chapter two; Petrow, *Policing Morals*, pp.41-45.

<sup>268</sup> L.T., 8/7/37, p.5, emphasis added.

<sup>269</sup> G.O.2, 8/11/70, p.224.

Patrolling the streets and checking locks in the dead of night was extremely boring work, and that bit of 'action' probably appealed to many. From the constable's point of view, soaked through on a rainy night, a staggering drunk or sleeping vagrant was his ticket to temporary respite at the station. In certain 'rough' parts of town, as we have seen, working-class policemen again took a more zealous approach to the suppression of gambling than even their superiors found palatable. Finally, there was also a certain officiousness to police station culture, in making out formal charges for extremely trivial matters. In 1886, A.B. Nott-Bower told his men to enter charges of snowball throwing just as such, and not as cases of 'riotous conduct'.<sup>270</sup> While the exercise of discretion by policemen on the beat was a key dynamic of policing, its consequences must not be assumed; it could have repressive as well as conciliatory results.

In order to clarify debate about the social consequences of police reform, it is helpful to distinguish the impact of the police in particular fields. It is rather difficult, strictly speaking, to find clear evidence of police 'success' in any of their primary objectives. Complaints about all manner of problems troubled the Watch Committee throughout the century, while crime and street disorder persisted into the twentieth century. As late as 1912, despite much celebration of social 'progress' in the interim, first impressions of the street underscored such ugly 'survivals': 'the street remains the playground of the people, and the principal streets in the City of Leeds on Saturday night and Sunday should chasten the most hardened optimist'.<sup>271</sup>

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<sup>270</sup> G.O.5, 9/3/86, p.200.

<sup>271</sup> L.V. Shairp, 'Leeds' in Bernard Bosanquest (ed.), *Social Conditions in Provincial Towns*, London: Macmillan & Co., 1912, p.80.

If many offensive practices survived, however, their participants were nonetheless touched by the police presence. Many of the characters we encountered in this chapter had to adapt to unprecedented police interference in their activities. Boys playing football, cart drivers galloping through the streets, gentlemen walking their dogs – they all experienced new forms of regulation under the new police. Yet the growth of the police establishment in Leeds also brought groups which had long been subject to disciplinary designs under more sophisticated forms of surveillance. Thieves fall into this category, especially those repeat offenders for whom advances in the police bureaucracy were most threatening. Beggars and vagrants also experienced an intensification of existing control following the establishment of the night watch: as the archetypal street people, they were easy meat for generations of law-enforcers; as supposed members of the ‘criminal class’, they remained a key priority for chief constables throughout the century.

The incidence of ‘deviant’ behaviours – theft, drunkenness, gambling, furious driving – was shaped by a vast variety of forces, policing only one amongst them, and rarely the most decisive. That said, police reform left a greater imprint upon some practices than others. On reflection, the Leeds Police struggled most of all to make a decisive impact on property crime. Thieves had long been subject to pressures of law-enforcement; while the night watch – and later the new police – imposed a heightened measure of control, the change was nonetheless modest. It was in this field, with a growing focus over time on recognising particular, known offenders, that the substantial turnover of policemen caused most difficulty. The beat system, manned generally by relatively inexperienced constables, was much better suited to intercepting drunken and disorderly individuals, and speeding or negligent drivers, than to catching thieves.<sup>272</sup>

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<sup>272</sup> See also Emsley, *English Police*, pp.73-78.

Gatrell countered similar reservations by suggesting that such operational constraints are more obvious to police historians than they were to contemporaries; the petty larcenist, he claims, was bound to over-estimate the certainty of police surveillance.<sup>273</sup> There is some weight to this argument: as police records were shaped above all by an acutely self-critical reforming gaze, these documents provide a distorted and often pessimistic account of police efficiency. Nevertheless, the enormous experience of daily life on the streets must have educated petty thieves in the limits of policing, in particular times and places. Indeed, the contempt which remained embedded in popular attitudes to the police throughout the nineteenth century was perhaps nurtured by common, 'streetwise' insights into the irregularity and patchiness of beats which the historian cannot hope to recover. In any case, police strengths have still to be weighed against other considerations – the enormity of opportunity, deficiencies in domestic security, the wide reach of poverty – which generously sustained petty theft in this period.

Yet if the police were focused primarily on street conditions and conduct – and if their contribution was most impressive in these spheres – where does this leave the police role in the governance of property crime in the nineteenth century? Following his wholly accurate description of the triviality of much everyday policing, Howard Taylor fell into the trap of assuming that this banal regime gave rise, amongst police authorities, to 'a helpless tolerance of most indictable crime'.<sup>274</sup> This view is clearly mistaken: police chiefs understood they were tasked above all with suppressing property crime; the Watch Committee made numerous detailed investigations and reports into the subject; and much reforming initiative (including the refinement of police information management systems) was dedicated specifically to combating theft. Whatever its men were doing on the street,

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<sup>273</sup> Gatrell, 'Decline of Theft and Violence', p.308.

<sup>274</sup> Taylor, 'Politics of Crime', p.134.

the *paper* of the new police establishment was saturated with concern about property crime.<sup>275</sup>

The remainder of this thesis deals centrally with the problem of crime – especially property crime – but from a quite different perspective. Rather than the police-eye view which has dominated thus far, the succeeding chapters trace the response to crime not within the police establishment, but in civil society, down to the practices of individual civilians. They illuminate certain ways in which crime confronted its victims, and how they and others sought to prevent, detect and resolve these ‘criminal encounters’. This shift in focus does not mean abandoning the police at this stage; they continue to feature prominently in what follows. But one conclusion of this chapter – that the police suppression of theft was at best modest – serves to launch this thesis into a fuller analysis of crime control beyond the police.

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<sup>275</sup> See Gatrell, ‘Policeman-State’, pp.296-98.

## **Chapter Four: Policing and Crime Prevention**

Famously, the new police took to the streets on a preventative mandate. The first duty of the Metropolitan Police, according to Robert Peel, was the prevention of crime, a mantra which was subsequently absorbed in the major provincial cities: the infant Leeds Watch Committee in 1836 thus considered ‘various Plans laid before them for the establishment of an effective preventative Police’.<sup>1</sup> Superficially, then, the early nineteenth century witnessed a coincident transformation in both police organisation and crime prevention.

Yet this is not the full story. For one thing, the idea of prevention pre-dated Peel, as part of a body of eighteenth-century social theory concerning ‘police’. At this time, ‘police’ referred very broadly to diverse matters of urban governance, allowing Patrick Colquhoun to envisage the prevention of crime as encapsulating the supervision of pubs and theatres, the suppression of receivers in marine and old iron stores, even the moralisation of the poor.<sup>2</sup> As Mark Neocleous argues, it is therefore misguided to see the new police as the embodiment of ideas of prevention in eighteenth-century ‘police’ theory.<sup>3</sup> Furthermore, as chapter one demonstrated, the night watch provided a substantial preventative force before 1836, and there were practical continuities between the ‘old’ and ‘new’ police. Significantly, there remained a certain division of police labour under the new system, with the smaller day force heavily occupied with serving warrants and detective work, and the night police oriented towards preventative patrol.

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<sup>1</sup> C.M.4, 6/4/36, p.36.

<sup>2</sup> Mark Neocleous, ‘Social Police and the Mechanisms of Prevention: Patrick Colquhoun and the Condition of Poverty’, *The British Journal of Criminology* 40 (2000), pp.715-18; Francis Dodsworth, ‘Police and the Prevention of Crime: Commerce, Temptation and the Corruption of the Body Politic, from Fielding to Colquhoun’, *The British Journal of Criminology* 47 (2007), pp.449-451. Further on the concept of ‘police’, see Dodsworth, ‘Idea of Police’, pp.583-604; Mark Neocleous, *The Fabrication of the Social Order: a Critical Theory of Police Power*, London: Pluto Press, 2000.

<sup>3</sup> Neocleous, ‘Social Police’, pp.710-11.

This chapter revisits nineteenth-century policing and crime prevention from a completely different, 'unofficial' perspective, arguing that in neither case did reform in 1836 sweep all before it. The first section explores the various police authorities of the nineteenth-century city, which are often sidelined in police history. The remainder, however, moves beyond organised systems of police altogether, exploring more dispersed tactics of crime prevention. The history of that subject – in practice, rather than in the writings of 'police' theorists and their successors – has barely begun to be written. Prevention has, though, attracted the attention of criminologists, who have charted the recent transition from monopolistic police control over crime to a mixed economy of state, commercial and civilian provision (see above, pp.26-27). By contrast, what follows contends that the new police never monopolised the task of preventing crime in the first place. Not only did ordinary people remain active in this field, but even chief constables themselves recognised that responsibility was shared between police and public.

### **Additional Forms of Police**

While the new police were by far the most visible, numerous and significant, they were not the only body charged with a police function in this period. In fact, a diverse range of organisations were involved in preventing and detecting crime in the Victorian city, and in setting the criminal law in motion. The early nineteenth century, as David Philips and Robert Storch have shown, was a particularly fertile period of experimentation in policing,



in which various models of police were organised and deployed in the English provinces.<sup>4</sup> While they saw the County and Borough Police Act as the imposition of a standard system,<sup>5</sup> the 1850s did not mark the death-knell of police diversity. The new police choked off certain initiatives, yet others thrived late into the nineteenth century. These additional bodies, however, tended to *complement* existing state provision rather than rival it; in Leeds, close and cordial relations formed between the Watch Committee and associational, voluntary and private police agencies.

### *Associational Policing*

At the end of May 1833, a meeting was held at the Punch Bowl Inn, 'in order to form a gratuitous watch for the West End of Hunslet'.<sup>6</sup> Gathered that night was a collection of local inhabitants intent on establishing an associational nightly watch. Like neighbouring Holbeck, Hunslet was a major industrial out-township located immediately south of central Leeds, which hosted a considerable base of woollen textile manufacturing by the 1830s.<sup>7</sup> Whether prominent industrialists were involved in this association is unclear, yet some 51 men and 5 women that night presented themselves as 'watchmen'. The Hunslet West End Watch and Ward Committee was thus formed, and a few basic police principles were established. Two pairs of watchmen were to patrol each night between the hours of eleven

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<sup>4</sup> See Storch, 'Policing Rural Southern England', pp.211-266; Philips and Storch, *Policing Provincial England*, especially chapter five.

<sup>5</sup> Philips and Storch, *Policing Provincial England*, pp.232-33.

<sup>6</sup> Thoresby Society Archives, MS. Box III, 15: Hunslet West End Watch and Ward Committee Minutes (H.W.W.C.), 30/5/33.

<sup>7</sup> See Pearson, 'Industrial Suburbs', table 2.2.

and four: they would cover two 'divisions', the boundaries of which were determined by properties belonging to particular members. A rota was drawn up to assign watching duties, and each member was warned that failure to obtain a substitute in case of absence would result in a fine of 6s., 'for neglecting to discharge his [sic] duty.'<sup>8</sup>

It is difficult to understand why the association was founded or how it operated in practice.<sup>9</sup> It barely attracted any comment in the *Leeds Mercury*, and the surviving minute book records only the first couple of months of meetings. In many respects, however, the group was modelled on the Corporation's night watch, equipped with staffs, lanterns and spring rattles. Nevertheless, the Hunslet Committee was sensitive to certain criticisms of that body, particularly the complaint that watchmen operated so noisily (including by calling the hour) that criminals easily evaded their gaze.<sup>10</sup> The Committee, by contrast, ordered 'that no rattle shall be sprung unnecessarily, nor the hour called, but that duty be done as quietly as possible.'<sup>11</sup> In this respect, their methods bear comparison with those of the new police a generation later. The watchmen did not, however, possess extensive police powers. After just a week of operations, the Committee resolved to send a deputation to the Leeds magistrates, 'to ascertain [sic] what are the duties of a watchman, and if we can claim their protection without being sworn, & if not whether they [the magistrates] will administer the oath to as many of the [Hunslet] watch & ward as apply for the administration of it.'<sup>12</sup> If this request signals a certain lack of effectiveness on the Association's part, it also underscores the complexity of nineteenth-century police

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<sup>8</sup> H.W.W.C., 30/5/33.

<sup>9</sup> Though note the reorganisation of policing in central Leeds a few months previously, and obvious concern about robberies after dark: see above, p.45.

<sup>10</sup> For contemporary criticisms of the night watch and a more forgiving reassessment, see Emsley, *English Police*, chapters one and two.

<sup>11</sup> H.W.W.C., 30/5/33.

<sup>12</sup> H.W.W.C., 8/6/33.

organisation; not for the last time, the boundaries between 'official' and other forms of police were somewhat blurred.

Even with limited authority, the Hunslet watch found creative ways of enforcing order on the streets, though not without difficulty. One night, watchman Mo Fleming was called to deal with a man named Parker, who had turned his family out of the house; when confronted by the watchman, Parker 'struck Mo Fleming knocked him down, & laimed [sic] him in the foot.' To compound his misfortune, Fleming was later confronted by two young men, Jepson and Carr, who were swearing and causing a disturbance. Both refused to retire upon request, and Jepson 'threatened to injure Fleming with a chesil [sic] which he held in his hand'.<sup>13</sup> In an attempt to assert their authority, the Committee called the three men before them to 'answer for their misdemeanour', pledging to summons them before the magistrates should they refuse.<sup>14</sup> The next day, Parker and Carr came to apologise for their misconduct, upon which proceedings against them were dropped. While the Committee engineered a successful resolution to disorder in these instances, Jepson's case cautions against exaggerating their success. He failed to appear before the Committee, which nonetheless decided to 'pass by his crimes', as to summons him would necessarily implicate Carr in criminal proceedings. This episode is doubly significant, as Carr was brother to the secretary of the Committee.<sup>15</sup> While a subscription watch was thus able to negotiate flexible resolutions to public disorder, neighbourly policing was perhaps especially (though not uniquely) liable to allow the intrusion of personal feelings into law-enforcement.

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<sup>13</sup> H.W.W.C., 9/6/33.

<sup>14</sup> H.W.W.C., 9/6/33.

<sup>15</sup> H.W.W.C., 10/6/33.

While the sources offer only a brief snapshot of the Association and its activities, it remained active until dissolution in 1837. According to the *Leeds Times*, it had by that date been ‘superseded by a regular nightly watch’.<sup>16</sup> The introduction of the new police must have sapped residential demand for an additional, subscription patrol.<sup>17</sup> How many similar forces policed parts of English towns and cities remains a mystery; but for the chance survival of a single minute book, and a passing reference in the newspaper, we would know nothing of the Hunslet watch. Yet urban neighbourhoods up and down the country surely provided their own protection on a similar basis, even if only for short periods of time. This suspicion is reinforced by reference in the *Leeds Mercury* to a similar initiative in the Bank area of central Leeds in 1834. In that instance, ‘a number of shopkeepers and small tradesmen’ resolved to establish an additional system of watch and ward, in response to a recent flurry of thefts in the district, and the supposed ‘utter inefficiency of the nightly watch, and the extra police appointed nearly two years ago.’<sup>18</sup> Thus even in an area with considerable police protection, associations could emerge in response to a perceived ‘crime wave’. Certainly, historians should acknowledge neighbourly associations amongst the mix of early nineteenth-century police systems.

Another form of subscription law-enforcement – which has by contrast attracted substantial scholarly attention – was the Association for the Prosecution of Felons (A.P.F.). Some such bodies funded preventative patrols,<sup>19</sup> yet their primary function was to provide

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<sup>16</sup> L.T., 12/8/37, p.4.

<sup>17</sup> The Leeds Police was responsible for policing part of Hunslet from 1836: Pearson, ‘Industrial Suburbs’, p.346.

<sup>18</sup> *Leeds Mercury* (L.M.), 29/11/34, p.8.

<sup>19</sup> In 1852, the Aberford Police Association applied to the Leeds Watch Committee for the services of a police constable to cover their regular man’s duties during illness: W.C.4, 16/7/52, pp.82-83. See also Philips, ‘Good Men to Associate’, pp.145-47.

financial support for members wishing to apprehend and prosecute criminals.<sup>20</sup> As such they were more private than the subscription watch model, though similarly suited to remedying certain deficiencies in existing criminal justice provision. While most historians have linked their demise to the arrival of the new police,<sup>21</sup> Chris Williams has insisted that they 'did not fade obliging away after 1856'.<sup>22</sup>

The Leeds Association remained in existence after the formation of the new police, although there is little obvious trace of its activities.<sup>23</sup> The Morley and East and West Ardsley Association for the Detection of Felony, on the other hand, offers a fuller insight into how such bodies operated in the shadow of police reform. Situated some six miles or so to the south of Leeds, Morley was never covered by the borough force, and so remained outside the new police system until the formation of the West Riding Constabulary in 1856.<sup>24</sup> From 1846, however, prominent residents banded together to form this Association, which pooled funds 'for any purpose connected with the detection, apprehension, or prosecution of any person or persons having committed a Felony on the person or property of any subscriber to this association'.<sup>25</sup> Typically of such organisations, the Morley Association did not 'in any way pretend to protect the property of non-subscribers', yet with an entrance fee of just 10s. and annual subscriptions of 5s., membership was surely within reach of most propertied inhabitants.

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<sup>20</sup> Adrian Shubert, 'Private Initiative in Law Enforcement: Associations for the Prosecution of Felons, 1744-1856' in Bailey (ed.), *Policing and Punishment*, pp.31-33; P.J.R. King, 'Prosecution Associations and their Impact in Eighteenth-Century Essex' in Hay and Snyder (eds), *Policing and Prosecution*, pp.177-78; Philips, 'Good Men to Associate', pp.138-142.

<sup>21</sup> Philips, 'Good Men to Associate', pp.122-23.

<sup>22</sup> Williams, 'Police and Crime', p.273; see also Shubert, 'Private Initiative', pp.28-29.

<sup>23</sup> L.M., 28/1/43, p.1. It was established in 1830: Philips, 'Good Men to Associate', p.165.

<sup>24</sup> On police reform in the West Riding, see Philips and Storch, *Policing Provincial England*, pp.204-206.

<sup>25</sup> Morley Community Archives: Morley and East and West Ardsley Association for the Detection of Felony Minutes, volume one (M.A.D.F.1), 'Copy of the Rules', no date. I am grateful to Clive Mcmanus of Morley Community Archives for granting me access to these records.

Unlike similar bodies familiar to historians, the Morley Association – as its full name suggests – was concerned primarily with *detecting* rather than prosecuting felons. In fact, throughout its complete minute books, there is no clear reference to any payments of prosecution expenses, which accounts for its modest membership fees.<sup>26</sup> Instead of funding prosecutions, the Association spent its money on advertising and funding rewards for the detection of offenders.<sup>27</sup> These notices were disseminated in diverse media, including by crying, printed handbills and advertisements in the Leeds newspapers.<sup>28</sup> In certain cases, intelligence was circulated rather more widely. Following the theft of Mr Whittaker's horse in 1851, an advertisement was posted in the *Hue and Cry Gazette* (which specialised in publicising stolen property and wanted criminals nationwide), and a further 150 handbills were circulated 'to the police of large towns'.<sup>29</sup>

More generally, communication and exchange with 'official' structures of police authority constituted the Morley Association's central purpose. From the outset, it assumed an explicit role in cultivating improved police protection for its members' property: the committee was therefore empowered to offer rewards to policemen, 'as an incentive to Constables and others actively to bestir themselves to detect offenders and prevent offences.'<sup>30</sup> Besides rewards, the committee continually authorised payments to policemen for particular services rendered on behalf of its members. At just its second meeting, Mr Whittaker was authorised to employ men 'in the detective service of this association until the next meeting.'<sup>31</sup> This resolution, which was frequently repeated, indicates the operation

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<sup>26</sup> Prosecution expenses were sometimes sufficient to cripple such associations: see Philips, 'Good Men to Associate', pp.135-36.

<sup>27</sup> See also Philips, 'Good Men to Associate', p.138; John Styles, 'Print and Policing: Crime Advertising in Eighteenth-Century Provincial England' in Hay and Snyder (eds), *Policing and Prosecution*, pp.62-65.

<sup>28</sup> M.A.D.F.1, 7/10/47, 4/1/49, 5/2/52.

<sup>29</sup> M.A.D.F.1, 6/3/51.

<sup>30</sup> M.A.D.F.1, 'Copy of the Rules' (no date).

<sup>31</sup> M.A.D.F.1, 27/11/46.

of a regular system whereby the committee's agents paid policemen for particular detective services.<sup>32</sup> In March 1848, Whittaker was reimbursed as much as eight pounds for such expenses over the preceding four months.<sup>33</sup> This led in time to close familiarity between committee members and local policemen. One member was recommended to 'employ Samuel Chew the Morley Constable or such other person as he thinks proper',<sup>34</sup> while the committee was sufficiently acquainted with the work of James Milner, 'late a Policeman at the Morley Tunnel', for the chairman to give him a recommendation 'as an [sic] useful Officer'.<sup>35</sup>

The Morley Association was much more clearly oriented towards facilitating detective policing than early nineteenth-century A.P.F.s. Williams has similarly found that those A.P.F.s still in existence from the 1850s appear increasingly 'professional', especially in using reward payments to ensure adequate police protection.<sup>36</sup> The Morley Association very much fits this profile, deploying its financial capital to ensure that finite police resources were prioritised to address crimes committed against its members. On occasion, it even acted as a kind of pressure group, aiming to secure additional police protection for local property. The committee thus resolved to write to the Leeds and Dewsbury Railway Company in 1847, 'requesting them to employ a "night watch" similar to the one employed by them heretofore.'<sup>37</sup> In these ways, for almost twenty years, the Association was influential in the organisation of local policing.

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<sup>32</sup> M.A.D.F.1, 2/12/47, May 1848, 6/7/54. It remains unclear whether payments were for constables officially seconded by senior officers, or whether such services were performed privately by individual men in addition to their regular duties.

<sup>33</sup> M.A.D.F.1, 2/3/48.

<sup>34</sup> M.A.D.F.1, 1/11/48.

<sup>35</sup> M.A.D.F.1, 4/11/47.

<sup>36</sup> Williams, 'Police and Crime', pp.273-74.

<sup>37</sup> M.A.D.F.1, 2/12/47.

Its focus on securing police assistance also helps to explain the Association's decline in the 1860s. Recorded meetings became far less frequent from 1859, while the rate of expenditure also diminished: Mr Bywater still spent £4 10s. in the six months before September 1860,<sup>38</sup> yet two years later he expended just £1 over four months.<sup>39</sup> The probable cause for its slow, staggered decline – and eventual dissolution in March 1865 – was the changing context of policing in the West Riding. The establishment of the new police, with the associated bureaucracy of a county police committee and so on, robbed notable individuals in Morley of their former influence over the allocation of police time. With more substantial characters setting police priorities at a county level, local provision could no longer be bought with quite the same ease. Furthermore, the delay in dissolving the Association after 1856 confirms that its members were not, as Adrian Shubert suggested, simply waiting for the new police to arrive; rather, with the county force came the loss of that local influence over policing which had previously justified the cost of subscription.<sup>40</sup> The failure to broker a beneficial working relationship with the 'official' police authorities signalled the obsolescence of this kind of civilian police organisation.

### *Voluntary Policing*

Charities played a substantial role in regulating certain nineteenth-century police priorities. As Michael Roberts has shown, voluntary moral reform groups often enjoyed close links with local state authorities, allowing organisations like the Mendicity Society to play a

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<sup>38</sup> M.A.D.F.2, 6/9/60.

<sup>39</sup> M.A.D.F.2, 3/10/62.

<sup>40</sup> Shubert, 'Private Initiative', pp.36-39. For further critiques of Shubert's position, see Philips, 'Good Men to Associate', pp.127-132; King, 'Prosecution Associations', pp.202-207.



substantive role in policing street begging in London.<sup>41</sup> Voluntary law-enforcement expanded in the later nineteenth century, in the form of societies for the prosecution of sexual assault, and vigilance committees tasked with inspecting public houses;<sup>42</sup> according to Barry Godfrey, charitable bodies were central to the explosion of ‘regulatory’ prosecutions around the turn of the century.<sup>43</sup> This section focuses on an organisation with a substantial provincial presence throughout the nineteenth century – the (Royal) Society for the Prevention of Cruelty to Animals (R.S.P.C.A.) – and its police function in Leeds.

The Leeds Society was founded in the mid-1830s, just prior to the formation of the new police.<sup>44</sup> A circular inserted in the local press early in 1836 sought to spur civilian initiative in suppressing animal cruelty:

Any individual whatever who sees an act of gross cruelty, should immediately learn the name and residence of the offender, and then proceed to a magistrate, or the Court-House, and obtain a warrant, which obliges the offender to appear on a given day and hour...The society earnestly implores humane individuals not to be deterred from interference by a little personal trouble, as without that no good can be expected...A look from a bystander will often save a blow, as conscience immediately smites the offender.<sup>45</sup>

Liberal opinion welcomed the Society’s promise to reform popular morals; the *Leeds Times* encouraged readers to assist them in putting down dog fighting, which it considered was

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<sup>41</sup> M.J.D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787-1886*, Cambridge: Cambridge University Press, 2004, pp.134-37.

<sup>42</sup> Stevenson, ‘Fulfilling their Mission’, pp.93-110; Barbara Weinberger, ‘The Police and the Public in mid-nineteenth-century Warwickshire’ in Bailey (ed.), *Policing and Punishment*, p.85. In Leeds, though, Chief Constable A.B. Nott-Bower warned his men that the Vigilance Association was determined ‘to watch the movement of the Police at Christmas time’: G.O.5, 21/12/87, pp.289-290.

<sup>43</sup> Barry Godfrey, ‘Changing Prosecution Practices and their Impact on Crime Figures, 1857-1940’, *The British Journal of Criminology* 48 (2008), pp.183-85.

<sup>44</sup> L.T., 1/8/35, no page.

<sup>45</sup> L.T., 20/2/36, no page. On the R.S.P.C.A.’s efforts to cultivate civilian assistance in detecting animal cruelty, see Harriet Ritvo, *The Animal Estate: the English and Other Creatures in the Victorian Age*, Cambridge, MA: Harvard University Press, 1987, pp.147-48.

'too frequently occurring in this town and the neighbourhood'.<sup>46</sup> Yet as well as reimbursing prosecutors' expenses in animal cruelty cases, the Society investigated such occurrences itself, and brought offenders to court.<sup>47</sup> Before long, it was recognised as the leading body in policing animal cruelty in the city: upon publicising an instance of cruelty in 1845, the *Leeds Times* stated that the matter demanded the Society's attention, while making no mention of police duties in this field.<sup>48</sup> By the close of the century, the police, too, officially recognised their predominance: in 1889, Chief Constable Nott-Bower reaffirmed existing arrangements by telling his men to report all cases of animal cruelty to the Society's new inspector 'in the usual way.'<sup>49</sup>

This order illustrates that the division between the Society and the police was not always clear-cut. As the suppression of animal cruelty was a priority for both, it is unsurprising that the two bodies co-operated in detecting and prosecuting offenders. In 1885, for instance, the owner and driver of an over-worked horse were prosecuted by the Society's officer, while a policeman gave key witness testimony.<sup>50</sup> The R.S.P.C.A., though, often developed exceptionally close relations with local authorities,<sup>51</sup> and its office in Leeds was no exception. We gain an insight into more systematic co-operation only when it came under strain. In 1868, Chief Constable Wetherell wrote to the secretary of the R.S.P.C.A. in London, complaining about Peter Hayward (its officer in Leeds), who had submitted information about recent donkey racing to the *Leeds Mercury* without first notifying the police. While Hayward's actions clearly caused considerable offence, Wetherell's response reveals the preceding collaboration between the two parties. The Chief Constable insisted

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<sup>46</sup> L.T., 5/3/36, no page.

<sup>47</sup> See L.T., 30/1/36, no page, 12/3/36, no page.

<sup>48</sup> L.T., 14/6/45, p.4.

<sup>49</sup> G.O.6, 6/9/89, p.83.

<sup>50</sup> L.T., 10/1/85, p.3.

<sup>51</sup> Ritvo, *Animal Estate*, pp.146-47.

that he had 'always rendered your [the R.S.P.C.A.'s] officers every assistance in my power and in order to give Hayward additional support had him appointed a Constable for the Borough'. Furthermore, in spite of Hayward's transgression, Wetherell remained willing to co-operate in pursuit of common interests: 'I shall however always be willing to assist any well conducted officer of your society'.<sup>52</sup> By 1880 normal relations had resumed, and the Watch Committee once again appointed the Society's local inspector as a borough constable, 'in order to facilitate the discharge of his duties'.<sup>53</sup> By 1885, the Council had further granted the R.S.P.C.A. access to a permanent office in the municipal buildings.<sup>54</sup> Clearly, over time, the Society became increasingly integrated within the 'official' structures of authority in Leeds; in fact, the initiation of inspectors into the Leeds Police highlights a closeness between the two bodies which undermines *any* distinction between state and voluntary policing in the field of animal cruelty.

Whatever the Society's actual progress in removing brutality from the streets, it certainly publicised an optimistic view of its impact. At the 1875 annual general meeting Mr Colam, secretary of the parent society, declared that cruelty was much less severe in Leeds than on his previous visit just seven years previously, and credited the Society (rather than the police) with this achievement.<sup>55</sup> Ten years on, the R.S.P.C.A. had two permanent officers in Leeds, who apparently secured 95 convictions that year; judging from police statistics, these constituted almost all cases prosecuted before the Leeds magistrates.<sup>56</sup> Yet while the Society enjoyed broad support from the urban middle class, the nature and extent of its work meant that there was always the potential for ambivalence amongst a public

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<sup>52</sup> C.C.L., October 1868, pp.26-27.

<sup>53</sup> W.C.13, 3/9/80, p.196.

<sup>54</sup> L.T., 4/4/85, p.3.

<sup>55</sup> L.T., 24/7/75, p.2.

<sup>56</sup> L.T., 4/4/85, p.3. One cannot be sure because the Society's statement and the police statistics refer to different parts of the year: see Leeds Police Reports (1884), table four, and Leeds Police Reports (1886), table four, which recorded 75 and 52 proceedings for animal cruelty respectively.

acutely conscious of its liberties. Organised moral reform remained somewhat controversial in the mid-nineteenth century,<sup>57</sup> and even in the 1880s one journalist objected to the R.S.P.C.A.'s protection of 'useless' animals like seagulls, whose taste for fish he considered detrimental to the interests of national industry and trade.<sup>58</sup> Nonetheless, general public support and intimate relations with authority secured the Society a key position in street order policing in nineteenth-century Leeds.

### *Private Policing*

Despite the recent explosion of sociological interest in private police agencies, there has been very little comment on the longer history of private policing in England. Policing for profit is basically absent from all 'textbook' accounts of modern police history,<sup>59</sup> and Clive Emsley explicitly excluded private bodies from his typology of nineteenth-century police systems.<sup>60</sup> In fact, perhaps the most stimulating discussion of private policing and police history has come from a criminologist rather than a historian.<sup>61</sup> In terms of empirical studies, there is published research on the 'additional constables' system (see above, chapter three), as well as Barry Godfrey's account of private inspection and embezzlement

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<sup>57</sup> Roberts, *Making English Morals*, pp.186-87. On popular resistance to the R.S.P.C.A. see Ritvo, *Animal Estate*, pp.148-152.

<sup>58</sup> L.D.N., 12/4/81, no page.

<sup>59</sup> Including Emsley, *English Police*, and Taylor, *New Police*. In his general survey, Philip Rawlings wrote: there is 'an intriguing but frightening possibility for a broad history of policing which recognises its diversity. This book does not undertake that task' (*Policing: a Short History*, Cullompton: Willan Publishing, 2002, pp.5-6).

<sup>60</sup> Clive Emsley, 'A Typology of Nineteenth-Century Police', *Crime, Histoire & Sociétés* 3 (1999), p.32, note 11.

<sup>61</sup> Les Johnston, *The Rebirth of Private Policing*, London: Routledge, 1991, chapters one and ten.

in the worsted mills of the West Riding.<sup>62</sup> What follows, however, dwells on probably the most widespread form of private policing: the employment of private watchmen.

Watchmen and other security personnel found employment in a variety of settings in this period. The township of Headingley, for example, subscribed for a watchman in the 1840s, before the Leeds Police extended to that part of the city.<sup>63</sup> Retailers were also prominent employers of private security personnel. Shopkeepers banded together to hire watchmen in Stockport in the 1830s,<sup>64</sup> and by the late nineteenth century some major stores in Leeds retained their own guards. John Mortimer, who was accused of theft from Hyam's clothes store in Briggate in 1882, was described as being its 'doorkeeper'.<sup>65</sup> Entertainment venues also employed such men, and doorkeepers were apparently deployed to keep prostitutes out of dancing casinos in Victorian London.<sup>66</sup>

The most common use of private watchmen in nineteenth-century Leeds, however, was to protect industrial property.<sup>67</sup> These men, who were retained from at least the 1830s, occasionally contributed to the apprehension and prosecution of offenders. In 1837, a private watchman gave evidence in a case of lead theft from a cloth manufacturer in Dewsbury Road.<sup>68</sup> Later that year the *Leeds Times* reported that Richard Scholes, while making his escape from a textile warehouse he had just plundered, was warded away from the Sheepscar dye works by its watchman, shortly before he was apprehended by a police inspector.<sup>69</sup> Such chance references in the newspapers allow passing glimpses at early nineteenth-century watchmen; most were fairly neutral, yet one watchman attracted

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<sup>62</sup> Godfrey, 'Private Policing', pp.87-106. See also Barrett, 'Criminal Justice in Cheshire', pp.107-109, on the Macclesfield Silk Association.

<sup>63</sup> Pearson, 'Industrial Suburbs', p.348.

<sup>64</sup> Barrett, 'Criminal Justice in Cheshire', p.114.

<sup>65</sup> L.D.N., 27/1/82, no page.

<sup>66</sup> Storch, 'Street Prostitution', p.57.

<sup>67</sup> See also Barrett, 'Criminal Justice in Cheshire', pp.109-112.

<sup>68</sup> L.T., 25/2/37, p.4.

<sup>69</sup> L.T., 10/6/37, p.4.

ridicule. In 1842, the *Leeds Times* reported an assault upon ‘Dobby’, the watchman at Wainman’s cloth manufactory in Armley. He was harassed during the Christmas festivities, before being forced from his post and chased through the streets. The embattled guard was described as a ‘Dogberry’,<sup>70</sup> being only four feet tall and very elderly, such that the journalist could ‘hardly imagine a more inoffensive looking creature’.<sup>71</sup> Such criticisms, though, were exceptional, and most reports of private watchmen portrayed them as active individuals.<sup>72</sup>

Newspaper adverts provide further evidence of the employment of watchmen, where they were sought and what was expected of them. Between 1860 and 1890, at least 63 notices appeared in the *Leeds Mercury*, the majority from textile mills, but also dye works, bleach works, machine establishments and a tannery.<sup>73</sup> More than two-thirds of adverts appeared before 1875, yet this does not indicate the eclipse of demand thereafter. The frequency of newspaper advertisements was liable to fluctuate for a variety of reasons – including prevailing employment practices and the state of competition between different journals – besides the actual number of positions. Indeed, a count of adverts certainly underestimates the number of watchmen employed across the city. Watchmen were a common feature of the industrial landscape, so much so that some unemployed men explicitly appealed for such positions, often together with requests for work as porters, enginemen, caretakers or timekeepers.<sup>74</sup> One correspondent called for employment in

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<sup>70</sup> After Shakespeare, a common derogatory label for ineffectual night watchmen: see Emsley, *English Police*, pp.9-10.

<sup>71</sup> L.T., 1/1/42, p.3.

<sup>72</sup> For later examples, see L.T., 29/5/75, p.5; L.D.N., 22/2/81, no page.

<sup>73</sup> These adverts were identified by digitally searching the *Leeds Mercury* using the term ‘Watchman’, via *Nineteenth-Century British Library Newspapers Online* collection. Most positions were based in Leeds, though not all.

<sup>74</sup> L.M., 26/11/64, p.6, 15/11/66, p.1, 25/10/67, p.1, 8/6/94, p.2.

blacksmithing, yet added that he would 'take [a] Night Watchman job'.<sup>75</sup> Watching industrial premises was clearly a step down from skilled manual labour, yet that it was offered at all in such pleas for work suggests that private watchmen were commonplace.

Employers had somewhat varied expectations of what watchmen were supposed to do. They typically maintained surveillance over industrial premises at night, although one post at the Britannia Mills was advertised as a daytime role.<sup>76</sup> The key requirement for most employers, understandably, was proof of character. Testimonials were frequently requested,<sup>77</sup> while some stipulated that candidates be married or middle-aged.<sup>78</sup> While primarily engaged in providing security, watchmen were often expected additionally to contribute to specific industrial tasks. Knowledge of boilers was sometimes expected of men employed in mills or chemical works,<sup>79</sup> while an anonymous advert of 1873 sought a man 'accustomed to sewing straps'.<sup>80</sup> More simply, any employee at the Low Bridge works in Keighley had to be prepared 'to make himself generally useful'.<sup>81</sup>

One might wonder, amidst all these other duties, how important the task of actually *watching* the premises was – how pro-active watchmen were as police figures. A few employers certainly had fairly low expectations of the security such men might provide: one anonymous advert frankly stated that an 'old man or a cripple may do all that is required'.<sup>82</sup> Yet this notice was exceptional, and most advertised a position of considerable responsibility. Employers frequently expressed a preference for former soldiers, perhaps

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<sup>75</sup> L.M., 5/11/96, p.2.

<sup>76</sup> L.M., 25/1/73, p.3.

<sup>77</sup> L.M., 30/11/61, p.3, 15/5/66, p.2.

<sup>78</sup> L.M., 30/11/61, p.3, 15/5/66, p.2, 19/5/63, p.4, 8/8/68, p.6.

<sup>79</sup> L.M., 13/3/62, p.1, 4/11/63, p.1.

<sup>80</sup> L.M., 18/9/73, p.2.

<sup>81</sup> L.M., 14/10/73, p.2.

<sup>82</sup> L.M., 8/3/73, p.3.

because of their assumed disciplinary habits.<sup>83</sup> Others went further, requesting a man with considerable physical presence. A Bradford machine establishment thus called for an 'active' man, while Bagby's Mill in Leeds similarly desired 'a strong and active man'.<sup>84</sup> As elderly cripples were hardly sufficient to meet most employers' needs, one can assume that the protection of industrial property was central to the duties of private watchmen.

A minority of private police personnel were, like the R.S.P.C.A. inspectors, sworn in as constables of the new police. In 1848, magistrates enrolled nine servants of the London and North Western Railway Company into the force.<sup>85</sup> These men, though, were not literally brought into the ranks, and no evidence survives of such personnel (or the R.S.P.C.A. inspectors) being given orders like common police constables. Furthermore, when the Watch Committee took on four watchmen engaged in protecting the ruins of Kirkstall Abbey as policemen, it was specifically stated that they would receive no additional remuneration.<sup>86</sup> Similarly, the Committee determined that it could only appoint a private watchman (working for the Aire and Calder Navigation Company) as a policeman, 'if he devotes the whole of his time to the service of the Company'.<sup>87</sup> The watchman thus remained *de facto* a watchman, while becoming *de jure* a police constable. As appointments of outside police personnel were not regularly recorded,<sup>88</sup> it is impossible to tell how many men became 'constables' in this way; these examples further underline the close relations which the Watch Committee enjoyed with additional police agencies.

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<sup>83</sup> L.M., 7/11/63, p.6, 13/12/72, p.4. By the late nineteenth century, senior officers found ex-soldiers rather too unbending for police work: see Haia Shpayer-Makov, 'A Portrait of the Novice Constable in the London Metropolitan Police, c.1900', *Criminal Justice History* 12 (1991), pp.150-52.

<sup>84</sup> L.M., 23/5/63, p.6, 2/1/72, p.2.

<sup>85</sup> M.M.2, 30/9/48, p.30. For a similar series of appointments respecting employees of the Midland Railway Company, see W.C.15, 18/3/87, p.10.

<sup>86</sup> W.C.5, 20/3/56, pp.58-59.

<sup>87</sup> W.C.15, 3/10/90, p.285.

<sup>88</sup> There is seemingly only reference to Peter Hayward's dismissal as a borough constable, and not to his appointment: W.C.9, 2/10/68, p.111.



What are we to make, then, of the overall structure of police organisation in the Victorian city? Evidently police functions were exercised by a wider range of bodies than most studies acknowledge, yet at the same time many of these agencies forged close working relations with the police establishment, via the magistrates, Watch Committee or Chief Constable. If the 'additional constables' system extended the reach of the new police into private and commercial settings,<sup>89</sup> enrolling outside agents as constables effectively bestowed the state's monopoly on police powers upon selected private personnel and associations. The 'official' authorities saw clear synergies between their mission and those of certain civil police organisations; the extension of police powers to the latter was a means of empowering them to pursue such common objectives.<sup>90</sup> Without clear, formal control over these outside 'constables', such arrangements did not enhance the *direct* authority of the local police establishment. It did, however, extend the reach of the criminal law, and disperse police powers beyond the police itself. As historians have increasingly come to realise, the strength of the Victorian state in social policy lay as much in the activity of voluntary organisations as direct governmental control.<sup>91</sup> In this respect, policing was perhaps less of an anomaly than the state-centred perspective of criminal justice history would suggest.

While the diversity of 'police' bodies complicates the conventional historical narrative, this is but a marginal aspect of the non-state governance of crime. While organised provision of the kind outlined above was significant, the task of dealing with

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<sup>89</sup> Williams, 'Constables for Hire', p.201.

<sup>90</sup> On the breadth of police powers see above, chapter three.

<sup>91</sup> Thane, 'Government and Society', pp.1-2; Baldwin, 'Victorian State', pp.52-54; Barry M. Doyle, 'The Changing Functions of Urban Government: Councillors, Officials and Pressure Groups' in Dauntton (ed.), *Cambridge Urban History*, volume three, p.288.

property crime was met mostly in a much more *ad hoc* fashion. The remainder of this chapter begins to delve into this dark, obscure area of everyday life in the Victorian city, drawing attention not just to the efforts of ordinary people to repel the criminal threat, but also to how the authorities purposely sought to encourage such activity.

### **Security in Practice**

Burglary was perhaps the exemplary crime of the nineteenth century. While robberies and homicides were the subject of periodic moral panics, burglary presented the clearest attack upon the propertied community, and a violation of domestic space as a protected retreat from the morally hazardous public sphere. As we have seen, burglary was a central police priority: constables kept a careful watch over property, listened for sounds of intrusion, challenged those carrying goods through the streets, and relayed information concerning break-ins with the utmost urgency. Yet the police could only do so much. Given the constant shortage of personnel and the anonymity of most offenders, catching burglars remained a game of chance. The result was something of an enforcement gap – in the suppression of burglary and property crime in general – which presented the civilian public with a substantial incentive to do what they could to secure their own property. Even if police efforts to prevent crime met with increasing success as the nineteenth century wore on, there was no relaxation of private initiative, which consistently left its mark on the historical record from the 1830s through to the 1890s.

The historian of domestic security is confronted with an immediate problem: the key sources – police occurrence books and newspaper crime reports – mostly present

instances in which private precautions failed, allowing the commission of crime. Many householders' efforts to secure their property were plainly inadequate: John Bottomley's rabbits were stolen in 1883, 'by means of opening the door with the Key which is left hanging up close to the door'.<sup>92</sup> His carelessness was hardly unique: Jane Mitchell was charged in 1855 with stealing numerous door keys from houses she visited while hawking fire papers.<sup>93</sup> Furthermore, it was extremely difficult to secure certain premises in this period. Fowl houses provided very little protection against even primitive methods of theft, such as pulling down a wall or removing the roof.<sup>94</sup> Shops and dwellings were similarly vulnerable: in 1836, a draper's shop in Chapel Allerton was broken into during the night by thieves who managed to smash down half of the door.<sup>95</sup> Even by the 1880s, shops like Clara Salter's tobacconist still presented easing pickings: '[t]he shop is of wooden construction, and the boys forced the woods apart and extracted the property'.<sup>96</sup>

On the face of it, even by the late nineteenth century, residents paid scant attention to the domestic security. During the 1880s, the Leeds Police discovered thousands of insecure properties every year (see above, p.113), while some inhabitants protested furiously on being instructed to lock up. David Jones asserted that a similar neglect amongst metropolitan shopkeepers reflected increasing confidence in the police, yet one must be careful before jumping to such conclusions.<sup>97</sup> Firstly, the angry exchanges between those refusing to secure properties and police constables owed as much to irritation at interfering policemen – not to mention being woken in the middle of the night – as to any disregard for domestic security. Moreover, while the number of properties found exposed

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<sup>92</sup> H.O.B., 15/5/83. The report was later overwritten, 'No Robbery'.

<sup>93</sup> L.T., 5/5/55, p.3.

<sup>94</sup> B.O.B., 29/3/83, 4/4/77, 15/9/78.

<sup>95</sup> L.T. 23/4/36, no page.

<sup>96</sup> L.D.N., 15/3/81, no page.

<sup>97</sup> Jones, 'New Police', p.163.

was impressive, this should perhaps come as no surprise; policemen were liable to be sanctioned if they failed to report insecurities, or if burglaries were actually committed on their watch. It was thus in the constable's interest to report all such properties he came across. In this context, it is worth noting that the 3,048 properties found insecure in 1880 meant that the average constable reported less than one a month.<sup>98</sup> The vigilant burglar could probably find an easy target without too much trouble, yet these figures do not necessarily suggest that failure to lock up was endemic by this point. Furthermore, occupants might for various reasons have found it inconvenient to lock windows and doors every night without fail. Leeds back-to-backs were notoriously poorly ventilated, so the fumes of coal fires would sometimes have necessitated leaving a window ajar.<sup>99</sup> Families may also have shared just one or two keys, forcing those awaiting the return of lodgers or relations to retire with the front door unlocked.<sup>100</sup> Thus, while lapses in security were a real problem, they were not necessarily symptomatic of an indifference towards the threat of crime, or blind faith in the efficacy of preventative policing.

In fact, these difficulties did not preclude serious attempts to minimise the risk of depredation. Unoccupied houses were especially exposed, as some very extensive thefts make plain.<sup>101</sup> Many people vacating their dwellings therefore informed the police, asking that particular watch be kept over their property. W.J. Heaton wrote thus to the police at Headingley in 1884:

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<sup>98</sup> Leeds Police Reports (1880), tables twelve and fifteen.

<sup>99</sup> On housing conditions, see Daunton, *House and Home*, pp.42-45.

<sup>100</sup> There was extensive sub-letting in the East End of Leeds: Beresford, *East End*, pp.410-11.

<sup>101</sup> John Craven Middleton's house was probably burgled repeatedly during his family's month-long stay at Ilkley, judging from the sheer volume of goods removed. Middleton estimated the total value of his losses at £35 (equivalent to about eight months' wages for an entry-level, 'third-class' police constable): B.O.B., 12/6/72.

Sir, My house 7 Cardigan Rd will be empty for the next 3 Weeks with the exception of from each Thursday evening till Saturday morning I expect to be at home Will you kindly instruct your men on the beat to look after it[?]<sup>102</sup>

Many such letters were recorded in the occurrence books, some even requesting further police vigilance: Mr Sandby asked the police to 'look round' his house during his absence.<sup>103</sup> By the late nineteenth century, then, a section of middle-class inhabitants were well versed in advising the police of their absence from home. In this way, they could at least do something to reduce the sense of insecurity which accompanied deserting the family home.<sup>104</sup>

Just because occupants could not render their premises impregnable, it does not mean that attempts to secure property were necessarily in vain. In 1855, a policeman discreetly looked on as two men tried three times to force open a shop's window shutters, without success.<sup>105</sup> While houses were rarely made fully secure, precautions nevertheless sometimes deterred would-be intruders. Burglars entered John Briggs's shop in Marsh Lane in 1835 by breaking the chain securing the cellar grate; once inside, however, they were unable to progress into the house, thwarted by a well-secured internal door, and so they absconded with only a few items from the cellar.<sup>106</sup> Evidently, some were sufficiently concerned about security to fortify internal as well as external doors as a matter of nightly routine. In 1883, thieves broke into William Ibbotson's house in Headingley, 'by means of breaking the cellar Window & undoing the catch & opening the window & entering

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<sup>102</sup> H.O.B., 7/6/84.

<sup>103</sup> H.O.B., 21/7/84.

<sup>104</sup> By the early twentieth century, burglary insurance providers would utilise the vulnerability of unoccupied homes in marketing their policies: see Eloise Moss, 'Burglary Insurance and the Culture of Fear in Britain, c.1889-1939', *The Historical Journal* 54 (2011), pp.1048-1051. Burglary insurance, however, was still in its infancy by the 1890s.

<sup>105</sup> L.T., 31/3/55, p.5.

<sup>106</sup> L.T., 10/1/35, no page. For a similar case see L.T., 13/6/35, no page.

through'. Once inside, however, they ran into difficulties: 'the doors all being fast they could not get into any other rooms they took a Screwdriver and a file and got out the same way as they got in'. Renewing their efforts to gain access to the main rooms of the house, the men 'went to the front window and broke it, Mr Ibbotson heard a window break & got up but could see nothing wrong. Nothing missing.'<sup>107</sup> Ibbotson's rising probably alarmed the intruders, forcing them to flee. The case demonstrates that despite the inherent vulnerability of his house (windows easily broken and opened), Ibbotson's scrupulous attention to locking inside doors prevented easy passage through the house, forcing the would-be burglars to attempt a risky, noisy entry.

Equally noteworthy, however, is how Ibbotson and the station sergeant reconstructed this episode. While nobody was present to trace the burglars' movements at the time, it was subsequently assumed that, '*the doors all being fast* they could not get into any other rooms'. This is, of course, a plausible interpretation of finding two broken windows on each side of the house, yet it reveals too that Ibbotson was disposed to take the credit for preventing a full break-in. The press were similarly quick to congratulate householders and shopkeepers who kept burglars at bay. Thieves attempted to gain access to the Thomas Anderson's house in 1835, 'by tearing up the cellar-grate, and forcing open the slide of the window, but the depredators were unable to get beyond the cellar, *owing to the door which communicates with the house being well fastened*.'<sup>108</sup> By crediting property owners with preventing crime, journalists not only celebrated their efforts, but also publicised their success as an instructive example to others.

Although many shopkeepers were not so fortunate to prevent break-ins, additional safeguards often minimised actual losses. In 1837, thieves entered a warehouse in Albion

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<sup>107</sup> H.O.B., 29/6/83.

<sup>108</sup> L.T., 19/9/35, no page, emphasis added.

Street by removing the iron stanchions and breaking the locks, thereby gaining access to the counting house. However, as the *Leeds Times* noted, the owners were ‘not in the habit of leaving money in the warehouse, or the thieves might have obtained more valuable plunder.’<sup>109</sup> If these proprietors were unusually attentive to security, yet they were hardly unique. Nine years later, the *Leeds Intelligencer* cheerfully recorded that the thieves who raided Ackroyd’s colliery at Gildersome near Leeds were ‘disappointed with regard to the booty, from the counting-house money never being left therein at night’.<sup>110</sup> In 1852, Chief Constable Read congratulated local retailers for repeatedly frustrating thieves in precisely this way. That year, ‘several of the shops were found with cash-drawers and Desks broken open:— [n]othing, however, was missed but copper, past experience having taught the [o]wners not to leave other money in such places.’<sup>111</sup> Towards the close of the century, thieves were often lucky to get away with a substantial hoard. In connection with a lucrative raid on Jackson’s jeweller’s shop in 1881, the *Leeds Daily News* observed:

although it has been Mr. Jackson’s invariable rule hitherto *to take the jewellery out of the window before locking up his shop, and store it in a safe*, yet last night for some reason or another he neglected to do so, with the disastrous result stated above...It will be seen by the above statements that *it is very necessary that jewellers and others should take special precautions for the security of their shops and premises at this time*.<sup>112</sup>

The following year, the newspaper had cause for relief instead of regret, as thieves left coal merchant John Smith’s office in Hunslet with slim pickings: ‘[s]ome drawers were open,

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<sup>109</sup> L.T., 15/7/37, p.4.

<sup>110</sup> *Leeds Intelligencer*, 17/1/46, p.5.

<sup>111</sup> Leeds Police Reports (1852), p.3.

<sup>112</sup> L.D.N., 23/2/81, no page, emphases added.

but nothing was missed. He [Smith] kept nothing valuable there, but had his private books in a safe.’<sup>113</sup>

While domestic and commercial settings provide the clearest evidence of conscious efforts to prevent crime, they were not the only arenas of civilian self-protection against theft. On encountering strangers in the streets after dark, pedestrians were often vigilant to the prospect of robbery.<sup>114</sup> Some made efforts to secure their property upon getting into risky situations. The danger of being robbed by a prostitute was common knowledge, and it seems that some men took special precautions to protect their valuables. On visiting Martha Mason in the notorious Golden Buildings, Mr Lamb lost three sovereigns which, according to the *Leeds Times*, ‘he had carefully folded in paper and deposited in his watch fob.’<sup>115</sup> The following year, an old man named George Clayton accompanied a woman into a house in George Street: ‘whilst within the domicile, he removed his purse and money from his pocket and put it under the lining of his hat for greater safety, but...he had not been sufficiently careful to avoid observation in doing so.’<sup>116</sup> Drunkenness presented similar hazards, which certain revellers and their companions were anxious to advert. Before engaging in a fight at his own pub, landlord John Holt was sure to entrust his watch and guard to drinking partner Henry Rogers, whom he subsequently charged with stealing the articles.<sup>117</sup> Friend and bystanders were often implicated in such efforts to safeguard valuables. William Proctor charged Joshua Barnes with stealing £47 from him at a pub, yet, as the *Leeds Times* reported, there was in fact no such theft: ‘it turned out that Mr. [sic] Proctor had been indulging too freely in his potations at the Old George Inn, and his friends

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<sup>113</sup> L.D.N., 22/4/82, no page.

<sup>114</sup> See especially L.T. 13/12/45, p.4.

<sup>115</sup> L.T., 12/11/36, p.4. For a similar case see L.T., 17/12/36, p.4.

<sup>116</sup> L.T., 25/3/37, p.4.

<sup>117</sup> L.T., 13/9/45, p.4.



seeing him throwing his money very carelessly about him, took it from him and gave it into the custody of the landlord, who put in his (Proctor's) pocket, a note, stating that such a sum of money was in his possession.'<sup>118</sup> It is very rare to catch a glimpse of such behaviours through the newspapers, yet these examples suggest that ordinary people were attentive to the everyday risk of being robbed, and took care to secure their possessions where they could.

### **Technologies of Security**

It should already be apparent that much civilian preventative activity involved harnessing particular technologies. For those with sufficient means, various devices could provide dwellings and shops with additional protection. Many of these were traditional solutions to age-old problems, yet the nineteenth century was also a period of significant innovation in security products, especially in locks, safes and – by the 1890s – burglary insurance. Thus alongside the growth of the police establishment, there developed an expanding material culture of crime prevention. The growth of market (as well as state) solutions to the problem of crime progressively enhanced the capability of the middle class to mitigate the threat of crime, especially from the mid-nineteenth century onwards.

Before the commercialisation of security, however, simpler solutions existed which gave notice of an imminent intrusion. The commonest was the shopkeeper's humble bell. In 1836, Mr Lofthouse's store was entered one Sunday night while the family were out, yet the bell attached above the door alerted a neighbour, who stirred in time to see two thieves

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<sup>118</sup> L.T., 18/7/35, no page.

make their escape empty-handed.<sup>119</sup> A couple of weeks later, burglars entering a building in New Wortley were forced to flee after the bell woke the inhabitants.<sup>120</sup> Dogs similarly raised the alarm in such circumstances, and even incapacitated the intruders. Despite breaking the lock and iron bar off a butcher's door in 1835, the would-be burglars left disappointed, as 'the noise and opposition of an excellent dog prevented their entering the premises.'<sup>121</sup> An amusing insertion in the *Leeds Times* two years later underlines the utility of dogs in this respect:

IMPORTANT TO THIEVES... William Popple begs leave most respectfully to inform the thieves of Holbeck, and others of the same fraternity elsewhere, that he is under the necessity at present of removing out of his rag shop, the old brass, white rags, &c., every night; but hopes ere [sic] long to obtain a trusty attendant, of the canine species, to receive gentlemen of the above profession with that "courtesy" their characters and conduct merit.<sup>122</sup>

Innovation in design and manufacturing presented the Victorian householder or shopkeeper with an unprecedented range of commercial solutions to the problem of crime. Several prominent firms made particular strides in the manufacture of locks. The development of multiple pin devices in the late eighteenth century was a substantial improvement on traditional models with fixed wards.<sup>123</sup> Moreover, Jeremiah Chubb's invention of the 'detector' lock in 1818 not only complicated the business of lock-picking, but also introduced a spring which retained any falsely manipulated tumbler, alerting the proprietor to any *attempt* at lock-picking.<sup>124</sup> Further improvements by the Chubbs and

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<sup>119</sup> L.T., 6/2/36, no page.

<sup>120</sup> L.T., 20/2/36, no page.

<sup>121</sup> L.T., 30/5/35, no page. A dog's alarm normally caused thieves to flee: see L.T., 4/7/35, no page, 20/2/36, no page, 4/2/37, p.4.

<sup>122</sup> L.T., 18/11/37, p.4.

<sup>123</sup> John Chubb, *On the Construction of Locks and Keys*, London: Institute of Civil Engineers, 1850, pp.10-13.

<sup>124</sup> Chubb, *Locks and Keys*, pp.13-14.

others produced an exponential increase in the number of possible combinations, such that John Chubb claimed in 1850 that it was possible for each house in London to have a unique key.<sup>125</sup>

It is very difficult to estimate the practical impact of such technological innovation upon the security of urban middle-class property. Without detailed research from the archives of leading firms – far beyond the scope of the present work – the distribution of their products must remain something of mystery.<sup>126</sup> According to those contemporaries who took an interest in such matters, those locks widely in use by the mid-nineteenth century offered inadequate protection. George Price, a leading locksmith and safe-maker, was astonished that the public, ‘for the sake of saving a few shillings in the primary cost of a lock...will purchase one that can be readily picked with a quill or a skewer, not only by the accomplished burglar, but by any ordinary mechanic or intelligent artisan, as well as by the amateur lock-picker.’<sup>127</sup> Of course, Price was determined to promote such superior, modern locks as his own, yet the vulnerability of common designs was widely recognised. In his remarkable domestic security manual, George Cruikshank briskly declared – apparently on the basis of interviews with burglars and policemen – that ordinary locks and bolts were inadequate.<sup>128</sup> By the close of the nineteenth century, the defects of locks were a common feature of advertisements for burglary insurance.<sup>129</sup>

However, the criticism of basic locks was exaggerated. We have seen numerous instances in which thieves were thwarted or deterred by the security of common domestic

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<sup>125</sup> Chubb, *Locks and Keys*, p.15.

<sup>126</sup> Budding researchers are directed to the Chubb archive: London Metropolitan Archives, CLC/B/002 (1819-2009).

<sup>127</sup> George Price, *A Treatise on Fire & Thief-Proof Depositories and Locks and Keys*, London: Simpkin, Marshall & Co., 1856, p.iv.

<sup>128</sup> George Cruikshank, *Stop Thief; or, Hints to Housekeepers to Prevent Housebreaking*, London: Bradbury and Evans, third edition 1851, p.3.

<sup>129</sup> Moss, ‘Burglary Insurance’, pp.1049-1050.

fastenings. Also, there would seem little point in policemen and journalists regularly reminding householders to lock up if this provided no protection whatsoever (see below, this chapter). The weaknesses of locks, though, were nonetheless real. Most people probably relied on cheaper, traditional designs which were easy to pick; the regularity with which lock-picking was reported in the newspapers suggests that fairly elementary skills were required to breach most fastenings.<sup>130</sup> Yet the main problem with locks was their physical fragility; more often than skilful manipulation, the application of brute force rendered doors, windows, shutters and cellar grates accessible.<sup>131</sup>

When it came to securing money and valuables, however, the public had access to a device which provided very considerable protection: the safe. There were substantial improvements in the design and manufacture of safes over the nineteenth century, led by the likes of Price, who published an enormous treatise on the subject in 1851. Ever eager to impress upon readers the merits of (his) new designs, he hardly advocated the purchase of safes in general. Most common models, he claimed, could be prised open with a chisel – even sheet-iron boxes were easily penetrated.<sup>132</sup> Indeed, most readers could take little comfort from his advice; depositing valuables in a cast-iron safe was, apparently, ‘as bad as leaving gold watches and jewellery in a shop window at night without further protection than the wooden shutter.’<sup>133</sup> Observing that ‘even the improved safes and locks made and in general use up to a very recent period, have been found faulty and wanting, when operated

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<sup>130</sup> See for example L.T., 28/1/37, p.4, 13/9/45, p.4, 17/4/75, p.3.

<sup>131</sup> See for example L.T., 9/5/35, no page, 20/2/36, no page, 15/7/37, p.4, 17/5/45, p.4, 23/6/55, p.5, 13/3/75, p.5.

<sup>132</sup> Price, *Depositories*, pp.22, 32-34.

<sup>133</sup> Price, *Depositories*, p.26.

upon by the present race of skilful and scientific burglars',<sup>134</sup> Price was surprised that old safes were not routinely opened by 'ordinary' thieves.<sup>135</sup>

In fact, most safes provided excellent protection against 'ordinary' criminals. Over the century there were numerous instances in which even determined and skilful burglars were thwarted by the metal box. Having entered a Vicar Lane paper mill in 1837, intruders were unable to access the iron safe, despite it afterwards bearing witness to a sustained attack.<sup>136</sup> That same year, thieves broke into a warehouse in Wellington Street by forcing the doors open with a crowbar, yet found themselves unable similarly to prise open the safe.<sup>137</sup> Although hardly impenetrable, safes usually withstood simple violence, and the time required to break one open probably put many off. In 1875, thieves obtained a gainful hoard of goods from a Briggate draper's shop; yet upon trying to prise apart one of Price's safes, they succeeded in removing the front plate, but could get no further.<sup>138</sup> Like all those who turn the problem of crime to commercial gain, leading locksmiths profited from the notion of a highly skilled criminal class which was largely mythical.<sup>139</sup> While the late nineteenth century witnessed the renaissance of the idea of the skilled professional burglar,<sup>140</sup> few thieves in Leeds could penetrate even simple safes.<sup>141</sup>

While the safe was an effective way of securing one's property, it was also one of the most expensive. A mid-century directory of products from well known brands – including Chubb, Price and Milner – put the price of single door safes between £17 and

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<sup>134</sup> Price, *Depositories*, p.21.

<sup>135</sup> Price, *Depositories*, p.51.

<sup>136</sup> L.T., 4/11/37, p.4.

<sup>137</sup> L.T., 26/8/37, p.4.

<sup>138</sup> L.T., 13/2/75, p.5.

<sup>139</sup> Compare Moss, 'Burglary Insurance', pp.1039-1042, 1046-47.

<sup>140</sup> See David Taylor, 'Beyond the Bounds of Respectable Society: the "Dangerous Classes" in Victorian and Edwardian England' in Judith Rowbotham and Kim Stevenson (eds), *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage*, Columbus, OH: Ohio State University Press, 2005, pp.11-16.

<sup>141</sup> See also L.D.N., 14/1/82, no page, 11/4/82, no page.

£24, while double-door models ranged from about £30 upwards.<sup>142</sup> Except perhaps for very wealthy individuals, safes probably remained the preserve of substantial businesses. This impression is confirmed by the high value of losses which resulted when safes were broken. In 1837, Mr Terry of Birkby, near Huddersfield, offered a reward of ten guineas following the theft of several pieces of silver from a small iron safe.<sup>143</sup> The mid-century safe thus offered considerable protection, but only to a select few.

Over the second half of the century, however, the safe probably came within reach of the middle class at large. By the 1860s, Griffiths of London were advertising their extensive collection of second-hand models in the Leeds press. One advert asked: '[w]hy purchase new safes when you may have second-hand by Milner and every other eminent maker, equal in every respect to new, at about half-price...'<sup>144</sup> The trade was clearly profitable, for Griffiths was still advertising by the 1880s, assuring that second-hand was 'equal in every respect to new', and showcasing ladies' jewellery safes.<sup>145</sup> Manufacturers did their best to instil in consumers the necessity of purchasing new models, yet trade in discounted, pre-owned products made sophisticated designs increasingly affordable. The market expansion was evident from an advertisement placed in the *Leeds Daily News* in 1890: 'SAFE Wanted, size about 48 x 30 x 30, must be by good maker and suitable for pawnbroker'.<sup>146</sup> This shopkeeper had clearly internalised the promise of security extended by prominent safe-makers, yet craved such protection at second-hand prices.

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<sup>142</sup> Price, *Depositories*, pp.125-27.

<sup>143</sup> L.T., 18/2/37, p.4.

<sup>144</sup> L.M., 10/6/68, p.1.

<sup>145</sup> L.M., 14/3/84, p.1.

<sup>146</sup> L.D.N., 27/1/90, no page.

## The Preventative Mentality

The preventative behaviours and habits outlined above relied upon a certain state of mind, a specific relation between people and their property. However commonsensical it appears to lock doors and secure valuables, such practices took root historically alongside exposure to particular kinds of crime intelligence. Put another way, the subjective disposition to minimise the risk of victimisation depended upon access to information about risk and encouragement to act upon that information. What remains of this chapter explores the means by which preventative behaviours were facilitated and encouraged. As the material worlds of urban inhabitants expanded, both police and press actively sought to instil in them a preventative mentality, conducive to the suppression of theft; everyday routines of security were thus not simply the cumulative result of chaotic individual decisions, but also a deliberate strategy of crime control.

The most consistent means by which preventative habits were cultivated was through the newspapers. Since the late eighteenth century, historians have argued, the press provided the prime source of information about crime.<sup>147</sup> Recently there have been several studies of newspaper crime reporting in history, designed primarily to assess popular attitudes towards crime and law-enforcement.<sup>148</sup> An important function of crime news in the Victorian period, though, was in illuminating criminal hazards and encouraging the

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<sup>147</sup> Peter King, 'Making Crime News: Newspapers, Violent Crime and the Selective Reporting of Old Bailey Trials in the Late Eighteenth Century', *Crime, Histoire & Sociétés* 13 (2009), pp.92-93; Robert Shoemaker, 'Print Culture and the Creation of Public Knowledge about Crime in 18<sup>th</sup>-Century London' in Paul Knepper, Jonathan Doak and Joanna Shapland (eds), *Urban Crime Prevention, Surveillance, and Restorative Justice: Effects of Social Technologies*, Boca Raton, FL: CRC Press, 2009, pp.17-18.

<sup>148</sup> On the nineteenth century, see Peter King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth-Century London', *Continuity and Change* 22 (2007), pp.72-112; Rob Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?*, Leicester: Leicester University Press, 1990, chapter three; Rosalind Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London*, Manchester: Manchester University Press, 2012, chapter six.

public to take preventative precautions. Of course, readers did not come away from their newspapers with an actuarial exposition of risk; instead, the press provided a steady flow of information concerning local criminal encounters, punctuated by advice on how to minimise those risks to which the middle class was particularly exposed.

Journalists already encouraged readers to safeguard their property against crime before the arrival of the new police. In a fairly typical report of 1835, the *Leeds Times* issued a 'CAUTION TO SHOPKEEPERS', an account of a woman trying to pay for a shawl with a £5 note from the defunct firm of Haigh and Cook, Dewsbury. It closed by warning: '[s]hopkeepers will do well to be on their guard against such tenders.'<sup>149</sup> Crime stories at this time commonly integrated preventative advice into reports of specific, local offences, with the headline offering a direct appeal to readers. In April of that year a 'CAUTION TO WASHERWOMEN' appeared, detailing how two boys had recently stolen articles of clothing from the washing line in a South Parade garden: '[i]t appeared that the prisoner and another boy had been pretending to be playing for some time about the clothes, they had a sack with them, which one boy held open while the other deposited the clothes in it.'<sup>150</sup> Journalists continued to draw attention to the practices of local thieves throughout the century. An 1886 'WARNING TO THE PUBLIC' cautioned retailers about a trio of men operating in Leeds, who were skilled in plundering distracted shopkeepers. Given the difficulty of detecting such offenders, the reporter considered it all the more 'necessary for the public, and especially those carrying on a quiet business, to be on the alert and made aware of this class of crime'.<sup>151</sup>

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<sup>149</sup> L.T., 21/11/35, no page.

<sup>150</sup> L.T., 11/4/35, no page.

<sup>151</sup> L.D.N., 26/7/86, no page.



Implicit in many of these warnings was the suggestion that too relaxed an attitude toward property crime, or too trusting an approach to strangers, left one vulnerable to thieves. In 1836, the *Leeds Times* warned of 'AN IMPOSTER' who was going about the city claiming to be an agent to a major public company. The reporter stressed that this example, 'should put people on their guard and lead them to place confidence in no undertaking, the origin of which they have not thoroughly investigated.'<sup>152</sup> In such ways, people of business were enjoined to protect themselves against scams and tricks by scrupulous attention to all deals and transactions. On occasion, certain risky business practices were singled out for criticism. Following the conviction of Robert Stafford Heptonstall for embezzlement in 1875, the same journal advised readers of 'THE DANGER OF MAKING CHEQUES PAYABLE TO BEARER'. While collecting accounts for his employer, Heptonstall received several cheques made out to 'the bearer', allowing him to appropriate the monies with ease. The newspaper therefore publicised the warning issued by the stipendiary magistrate, as to the inadvisability of making out cheques in this manner.<sup>153</sup> In these ways, the threat of property crime prompted a new critique of common, *unthinking* forms of social interaction.

As well as detailing criminal methods and common scams, the newspapers drew public attention to particular offenders. The *Leeds Times* published an article in 1835 warning tradesmen of one William Dawson, who had tried unsuccessfully to obtain wine and spirits from local shopkeepers on false pretences. Readers were informed that 'Dawson is a young man, of low stature, dark complexion, and rather good looking', with a previous conviction for a similar offence.<sup>154</sup> In a similar case the following year, the journal

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<sup>152</sup> L.T., 2/7/36, no page.

<sup>153</sup> L.T., 27/2/75, p.3.

<sup>154</sup> L.T., 28/3/35, no page.

cautioned inhabitants that a former draper's lad was going about the town requesting items of clothing from his ex-employer's customers, on the pretence that other gentlemen had asked for similar articles to be made up for them. Besides detailing his fustian dress and cloth cap, the report made sure the significance of the article's contents was not lost on the casual reader: '[t]he public would do well to be on their guard against such tricks'.<sup>155</sup>

Alongside such specific advice on the local criminal threat, the publicity which the newspapers gave to certain kinds of theft served to ingrain further in the public consciousness certain common risks and vulnerabilities. Journalists consistently highlighted the hazards of leaving the home unoccupied; in connection with a burglary at Armley in 1835, the *Leeds Times* noted that '[t]he family has for some weeks been from home'.<sup>156</sup> Reports of break-ins during the out-township feasts – which were often effected while the occupants were away or with relations – served a similar purpose.<sup>157</sup> As a greater portion of the population took advantage of holidays by the 1880s, reporters continually reiterated the risk of leaving properties unattended.<sup>158</sup> As a *Leeds Daily News* columnist put it in 1886:

Now is the season when people go away for their holidays (when they have money enough) and leave their houses unprotected. It is a time when, as a consequence, the enterprising burglar goes "a-burgling" and does well out of the business. Let me warn all intending tourists that by communicating with the police extra watch and ward can be placed over the temporarily abandoned goods and chattels.<sup>159</sup>

Houses were likewise often abandoned during divine service, prompting further warnings of intrusion in the newspapers. Frequent reports of burglaries during these hours

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<sup>155</sup> L.T., 13/2/36, no page.

<sup>156</sup> L.T., 13/6/35, no page.

<sup>157</sup> See for example L.T., 12/9/35, no page, 13/9/45, p.4.

<sup>158</sup> See John K. Walton, 'The Demand for Working-Class Seaside Holidays in Victorian England', *The Economic History Review*, new series, 34 (1981), pp.249-265.

<sup>159</sup> L.D.N., 13/7/86, no page.

aimed to impress upon readers the necessity of extra precautions at such times.<sup>160</sup> Certain cases drove home this message with particular force. In 1836, the *Leeds Times* recorded larcenies from cottages in St Peter's Square while the occupants were at religious service. On returning, they supposedly found a message from the perpetrators chalked on the hearthstone: 'Learn to watch, as well as pray.'<sup>161</sup> No matter whether this story was in fact apocryphal, the moral was clear: leaving property unattended on a Sunday morning left it vulnerable to depredation.

Most simply, nineteenth-century crime reportage underlined the importance of domestic security. By 1835, the theme was clearly already familiar to regular patrons of the *Leeds Times*:

We have more than once cautioned the occupants of respectable houses against leaving their outer doors open, as by so doing they are almost sure to have any property stolen which is placed in the passage or rooms adjoining. Petty thefts of this kind are continually occurring, and on Sunday last a hat and coat were stolen from the passage of Mr. Middleton's house in Coubourg-street, whilst the family were sitting in the parlour.<sup>162</sup>

As the proceeds of wealth spread lower down the social scale, this message became relevant to new constituencies of readers. While labouring people had long enjoyed buying and owning things, the last quarter of the nineteenth century witnessed a significant boost in working-class domestic consumption, which in turn posed problems for the security of newly-acquired valuables (see above, p.111). In 1885, the *Leeds Times* warned of a gang of housebreakers operating in the city, who 'endeavour to gain access to houses through front doors, *thoughtlessly left unfastened*, or through windows of upper storeys by means of

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<sup>160</sup> See for example L.T., 21/4/35, no page, 20/10/55, p.3.

<sup>161</sup> L.T., 23/1/36, no page.

<sup>162</sup> L.T., 18/7/35, no page.

ladders used when the family occupying the house are supposed to be dining.’<sup>163</sup> Just a few months later, the public’s attention was drawn once again to basic security: following the apprehension of a lad coming out of a tobacconist in Market Street, the newspaper cautioned, ‘SEE THAT YOUR COAL-CELLAR GRATES ARE FASTENED, or you may have unwelcome visitors.’<sup>164</sup>

The above reports – tailored to alert inhabitants to the practices of local thieves and the necessity of taking particular precautions – overlapped with darker, more generic ‘scare’ stories. There was a fine line between exhortations that residents to be on their guard against particular risks, and more diffuse reflections on the prevalence of urban crime. In December 1835, the *Leeds Times* publicised Constable Sowry’s claim in the magistrates’ court that robberies routinely occurred every night in the Call Lane area. That same issue carried a further caution from Alderman Beckett, who observed following a case of pocket picking: ‘[p]eople are not safe in going into public-houses; and it is a system which is increasing daily.’<sup>165</sup> Like the specific cautionary tales cited above, these commentaries were meant to heighten the reader’s sensitivity to crime; these two varieties of story, however, each promoted distinct varieties of prevention. To identify a particular suspect or a certain mode of theft is to delimit the criminal threat – to render it specific, tangible, and offer a means of mitigating risk by positive action (exercising suspicion, locking up doors and windows, bringing in washing). More troubling generic warnings, on the other hand, paint an amorphous picture of criminality, the means of protection against which remain unspecified. Take, for instance, this extract from 1835: ‘Leeds is at present infested with a number of juvenile depredators...who daily prowl about in every part of the

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<sup>163</sup> L.T., 21/2/85, p.3, emphasis added.

<sup>164</sup> L.T., 16/5/85, p.3.

<sup>165</sup> L.T., 5/12/35, no page.

borough, for the purpose of committing petty thefts.’<sup>166</sup> Without any guidance on how to meet the criminal threat, warnings turn to scares, the prospect of civilian empowerment giving way simply to heightened anxiety.<sup>167</sup>

Newspaper efforts to cultivate civilian responsibility in crime prevention were largely cautionary, highlighting risks and offering guidance on how they should be met. It would be quite wrong, however, to assume that the preventative mentality was exclusively actuarial in character. As sociologists of security counsel, the motives for precautionary routines are often manifold, part rational calculation of risk, but also part performance, laden with specific cultural significances.<sup>168</sup> The task for the historian, then, is to recreate how locking up houses and so on meshed with particular keynotes of Victorian culture, and to analyse what opportunities the press offered its readers to re-imagine their own isolated efforts to safeguard property.

Consuming security products and practising private rituals of crime prevention allowed individual civilians to situate themselves in the broader societal struggle against crime. Aside from highlighting particular high-risk scenarios worthy of readers’ attention, the press also carried an evaluative commentary on the efforts of local householders to secure their property. The converse of cautionary tales of failed security was celebratory reporting of civilian success in thwarting criminal endeavour. Following an attempted break-in at John Dixon’s grocer’s shop in 1835, the *Leeds Times* noted that ‘[t]he lock was much injured, but *fortunately the place was so well secured* that the attempt was

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<sup>166</sup> L.T., 13/6/35, no page.

<sup>167</sup> Historians often point to the ‘scare’ story (including those fuelling ‘moral panics’) and its malign influence, without registering the specific cautionary tale: see for example David Lemmings, ‘Introduction’ in David Lemmings (ed.), *The British and their Laws in the Eighteenth Century*, Woodbridge: Boydell Press, 2005, pp.24-26.

<sup>168</sup> See especially Ian Loader, ‘Consumer Culture and the Commodification of Policing and Security’, *Sociology* 33 (1999), pp.379-382.

fruitless.’<sup>169</sup> In certain cases, responsible householders were almost reified as defenders of property rights at large – a police all of their own. Headlines like ‘THE ROBBERS DISAPPOINTED’ – deployed following an unsuccessful shopbreaking attempt – invited readers in 1836 to identify with the occupant, and delight in his small triumph as part of the general campaign to protect property.<sup>170</sup> In this way, readers were challenged to conform to a certain standard of responsibility; those taking insufficient care over domestic security were criticised, while those who foiled thieves were commended.

Newspapers encouraged the adoption of preventative routines through a variety of appeals to the public. In 1855, the *Leeds Times* traded not just on the reader’s self-interest, but also their conscience, branding insecure property a deplorable incentive to others to commit crime. Entitled ‘TEMPTING HONESTY’, the article complained that ‘the practice, too common in all large towns, of exposing property without anyone to guard it, unfortunately obtains in Leeds.’ Following a case of lead theft from the Rotation Office yard, ‘the magistrates deprecated the practice of exposing goods in the public thoroughfares, and as the lead in this case had been so exposed, they sent the prisoner to gaol for a month instead of committing him for trial.’<sup>171</sup> This case raises a couple of points of broader interest. Firstly, it characterises petty theft as essentially opportunistic; if lead is left exposed, it is bound to be stolen. Yet moreover, it betrays a vision of civilian crime prevention which extends beyond protection against personal loss. It was not simply in the shopkeeper’s *private interest* to ensure that his goods were secured, it was his *public duty* to reduce as far as possible the number of irresistible temptations to steal. In 1881, a columnist for the *Leeds Daily News* similarly emphasised civilian responsibility to secure property,

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<sup>169</sup> L.T., 20/6/35, no page, emphasis added.

<sup>170</sup> L.T., 6/2/36, no page.

<sup>171</sup> L.T., 5/5/55, p.3.

not for the benefit of the would-be thief, but the long-suffering policeman. He recounted a scene one Sunday night, in which Constable Lumley called up a shopkeeper who had left her premises insecure:

the occupant appeared, dazed and bewildered at the appearance of a policeman in the shop, and offering some feeble excuse for her remissness in not having properly secured the front door. Now, how would it have fared with that policeman had that shop been entered and robbed during the night? Why, poor Lumley would have been hailed before his betters and made to render an account of where he was at that particular time. After all, policemen have a great deal to contend with.<sup>172</sup>

Practical advice on crime prevention was not confined to the newspapers. We have already encountered George Cruikshank's home security manual, which lectured householders on the inadequacy of cheap locks and bolts. He further sought to cultivate a sense of personal responsibility to prevent burglaries – when break-ins occurred:

people immediately exclaim, "What are the police about? to allow these robberies to take place," as if the whole blame rested upon the shoulders of that body; whereas they ought also as well [sic] to ask those persons who have been robbed, what *they* have been about, and at the same time to consider what they *themselves* are about, and whether *they* have done their part towards preventing such accidents to themselves.<sup>173</sup>

Readers of Superintendent Bent's memoir, published in 1891, were similarly treated to an extensive guide to domestic security. Exploiting the 'expert' authority conferred by extensive police experience, Bent disabused readers of certain common misapprehensions on the subject, including the practice of leaving a key in the bedroom door at night. The experienced and skilled burglar, he warned, equipped with a pair of lady's curling tongs,

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<sup>172</sup> L.D.N., 19/1/81, no page.

<sup>173</sup> Cruikshank, *Stop Thief*, p.11, original emphases.

could manipulate the key from the other side, and thus gain access to the bedroom. Instead, householders were recommended to secure the door by propping a chair under the handle: 'then the bedroom cannot be entered from the outside without disturbing you, when you are better prepared to receive an intruder, and can either raise the alarm or prepare for defence or attack.'<sup>174</sup> Like most detective autobiographers, Bent was prone to exaggerate the professionalism of criminals.<sup>175</sup> Nonetheless, his writing provided a detailed guide for middle-class residents on how to secure their homes.

For their part, the police took every opportunity to foster the emerging preventative mentality in the later nineteenth century. As we have seen, police constables called up thousands of people in the night every year in the 1880s, and instructed them to secure their properties. Particular initiatives also reminded inhabitants of their responsibilities. After a series of break-ins at pawnshops and jewellers in surrounding towns, Wetherell directed his men to pay particular attention to such premises. In addition, though, he asked the superintendents 'to caution the proprietors of these establishment [sic] to exercise all the care they can by leaving their property as safe as possible.'<sup>176</sup> Four years later, constables were instructed to report retailers who repeatedly left goods hanging outside their shops; such articles, as the Chief Constable noted, presented 'an incentive to persons to commit Robberies'.<sup>177</sup> He was probably right, judging from the frequency of recorded thefts from outside shops (see above, p.112). Yet such orders were also reminiscent of the rather more expansive concept of crime prevention which pre-dated the new police.

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<sup>174</sup> Bent, *Criminal Life*, p.123.

<sup>175</sup> Shpayer-Makov, *Ascent of the Detective*, p.293.

<sup>176</sup> G.O.3, 11/2/74, p.195.

<sup>177</sup> G.O.4, 1/4/78, p.160.



By the late nineteenth century, chief constables regularly reminded residents of their responsibility to secure property in the annual police reports.<sup>178</sup> The tone of these documents was normally critical rather than congratulatory. In 1879, J.W. Nott-Bower wished ‘again to call attention to the great carelessness of owners and occupiers’ in failing to fortify their houses.<sup>179</sup> Two years later, his brother and successor noted that over £400 worth of stolen property (almost one-sixth of the total) had been taken while exposed for sale or left on insecure premises;<sup>180</sup> he further complained in 1882 of the ‘growing laxity on the part of owners and occupiers of property’ in this respect.<sup>181</sup> Senior officers remained anxious about such issues into the 1890s. Chief Constable Webb lectured residents not just on the need to inform the police when vacating their homes, but also the condition in which the house should be left: ‘in all cases window blinds, &c, should be left just as when the family is at home, and not as is done in many cases, all blinds down, which simply notifies to the tramp or thief, “All from home.”’<sup>182</sup> While grounded in real difficulties, these criticisms also reflected the growing visibility of insecurity to those presiding over an increasingly mature force.<sup>183</sup>

As well as urging residents to secure their property, Webb appealed for their help in preventing violent crime. In an extraordinary series of warnings, he identified particular parts of the city which were unsafe to pass through after dark. Rather than assuring the public of police protection against prostitute-thieves and their male accomplices, Webb briskly outlined the following ‘[p]laces to be avoided’: ‘the Dark Arches, Swinegate,

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<sup>178</sup> Earlier reports have mostly been lost, yet judging from Read’s comments in 1852, civilian security arrangements were an established topic: see above, p.183.

<sup>179</sup> Leeds Police Reports (1879), p.4.

<sup>180</sup> Leeds Police Reports (1881), p.4.

<sup>181</sup> Leeds Police Reports (1882), p.6.

<sup>182</sup> Leeds Police Reports (1894), p.12.

<sup>183</sup> Sharp fluctuations in the figures for insecure properties suggest that they were shaped as much by varying police vigilance as civilian neglect.

Whitehall Road, or anywhere behind the Queens's and Great Northern Hotels.' This statement formed part of Webb's ongoing battle with the Watch Committee over the insufficiency of police manpower: '[i]f there were more Police these places would soon be cleared'.<sup>184</sup> Yet despite further men and specific attention to such dangerous areas, he cautioned residents about the same neighbourhoods the following year:

[s]everal assaults and robberies have taken place there, and the result of extra Police in uniform and Detectives being placed in this district, has been that many offenders have been brought to justice, nevertheless, as before said, *the Police can only be in one place at a time*.<sup>185</sup>

Such complacency at police shortcomings is striking, yet it reflects a broader vision of crime prevention as a *joint enterprise* between police and public. The logic of previous entreaties to inhabitants to secure their shops and dwellings was pushed to its conclusion in Webb's first report of 1889. He started in a similar vein to his predecessors, highlighting the insecurity of unoccupied offices and other buildings. He went on, however, to make explicit what previous chief constables had not: '[p]erhaps I may venture to say that however earnest the police are in endeavouring to prevent robberies, *they cannot reasonably be held responsible* for what may be occurring out of their sight, that is within buildings to which they have no access'.<sup>186</sup> Practically, of course, this made sense; it was quite unreasonable to expect the police to find criminals covertly concealed within offices and other buildings. Yet symbolically it was the culmination of a gradual retreat from the police self-image as an all-pervasive body with a monopoly over the governance of crime.

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<sup>184</sup> Leeds Police Reports (1892), p.25.

<sup>185</sup> Leeds Police Reports (1893), p.11, emphasis added.

<sup>186</sup> Leeds Police Reports (1889), p.9, emphasis added.

Webb further explicated this model of crime control in subsequent reports. As he declared in 1889, leaving dwellings insecure was ‘very dangerous, and *to save much additional labour to the Police, I earnestly request the public to be more careful*, as many robberies are committed by loiterers and others who observe premises insecure, whereas such would not have been thought if all had been properly made up’.<sup>187</sup> The shortage of police manpower again was a crucial context, yet evident too is a peculiarly clear view of thieves as opportunists, and of the civilian as a key participant in crime control. In practice, of course, nothing had changed; shopkeepers had long been protective of their goods, residents of their houses. Yet as a statement of the police function, however, Webb’s remarks were genuinely original; not just the job of the police and the criminal justice system, the prevention of crime was a job for everyone.

It is extremely difficult to gauge the effects of press and police efforts to forge the preventative mentality amongst the urban public. There can be no doubt as to the limits of domestic security in this period, both in terms of the physical fragility of premises, and the persistent failure of some to fasten doors and windows. The extent to which such behaviours took hold, however, hinged in large part on the communication of certain kinds of information about crime as risk. The press and police were the most obvious sources of such intelligence, yet there were others besides. Certain hazards of urban life – including criminal scams and prostitute-thieves – were explored in the music hall, for example.<sup>188</sup> Moreover, particular local hazards were doubtless understood through accumulated everyday experience, and disseminated within communities by forms of social interaction

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<sup>187</sup> Leeds Police Reports (1889), p.9, emphasis added.

<sup>188</sup> Peter Bailey, ‘Conspiracies of Meaning: Music Hall and the Knowingness of Popular Culture’, *Past and Present* 144 (1994), pp.152-54.

less amenable to historical research.<sup>189</sup> Journalists and policemen were thus not solely responsible for the circulation of information about crime, in this or any period, and their influence over popular understandings of crime, risk and responsibility was never hegemonic.

## Conclusion

This chapter has challenged the very notion of police control over the governance of crime. The police shared various duties with other agencies – associational, voluntary and private – which played a significant part in enforcing certain laws (including those relating to animal cruelty), and in policing particular urban spaces (industrial property, individual neighbourhoods). The distinction between state and civil police authorities was blurred by close relations between the two, especially as private individuals were sworn in as police constables. Such arrangements enhanced ‘police’ authority (in the broad sense) in the Victorian city, extending police powers beyond the ranks of the new police. As such, agencies like the R.S.P.C.A. or the scattered private watchmen acted as autonomous satellites of the new police, orbiting between uniformed constables and those organs of civil society – including educational, philanthropic and recreational reform groups – which sought to stabilise the social order at a further remove from the business of law-enforcement.

More importantly, however, the police shared the task of crime prevention with private individuals. Whatever the imperfections of Victorian domestic security,

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<sup>189</sup> See Melanie Tebbutt, *Women's Talk? A Social History of 'Gossip' in Working-Class Neighbourhoods, 1880-1960*, Aldershot: Scholar Press, 1995, pp.65, 67-68.

safeguarding property against criminals was a routine practice for many people. Such practices were above all those of the middle class; they had the means to access the widening market in security commodities, and they were the target of most newspaper commentaries on crime prevention. Even simply locking one's doors made more sense in detached villas than in crowded terraces. In Salford, as Robert Roberts recalled, the backyard was very much a communal space, and those who made sure to keep their neighbours out were rather eccentric: '[some] families...close-bolted the door and held their yard as a piece, almost, of holy ground...“Folk only want to see what we've got!” said one sour exponent of the practice in the shop. “We keep 'em all out!”'.<sup>190</sup> By the turn of the century, scrupulous attention to (at least daytime) security perhaps went somewhat against the grain of working-class culture in some close-knit communities.<sup>191</sup>

Nevertheless, we have seen that preventative behaviours were hardly confined to the elite, especially with the progressive enrichment of working-class material culture in the late nineteenth century. Walter Southgate remembered that the street-level windows in his Bethnal Green road 'were religiously shut and bolted every night' by the 1890s.<sup>192</sup> When householders were called up in the night by the police, a window being open or a door unlocked, only rarely did they protest or refuse to secure it.<sup>193</sup> In January 1889, Constable Rider twice had to call up a butcher to secure his shop door, both times noting that it was 'Left open in mistake'.<sup>194</sup> It is impossible to know whether the word 'mistake' came from Rider or the shopkeeper, yet the latter possibility offers a tantalising prospect for the

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<sup>190</sup> Robert Roberts, *The Classic Slum: Salford Life in the First Quarter of the Century*, 1971, Harmondsworth: Penguin, paperback edition 1973, p.165.

<sup>191</sup> For the broader difficulties of determined self-reliance in communal life, see Ellen Ross, "'Not the Sort that would sit on the Doorstep": Respectability in Pre-World War I London Neighbourhoods', *International Labor and Working-Class History* 27 (1985), pp.51-53.

<sup>192</sup> Walter Southgate, *That's the Way it was: a Working-Class Autobiography 1890-1950*, Oxted: New Clarion Press, 1982, p.18.

<sup>193</sup> Leeds Police Occurrence Books, *passim*.

<sup>194</sup> F.O.B., 7/1/89, 11/1/89.

historian of domestic security. It would suggest that, by the close of the century, locking up was a commonly accepted means of safeguarding oneself against crime, even among those who practised it imperfectly.

The remainder of this thesis delves further into the civilian role in crime control. While the analysis thus far has centred on crime prevention, the following two chapters address lay contributions to the process of law-enforcement. In spite of the efforts this chapter has brought to light, many private efforts to prevent crime failed to provide an adequate safeguard. This led some victims simply to report the matter to the police, and do nothing more; many others, however, were more proactive, either by pursuing criminals in the heat of the moment, or tracing suspects from cold clues after the fact. We therefore turn now to the response to crime not as abstract risk, but an actual occurrence in everyday life.

## **Chapter Five: Catching Criminals**

The detection of crime and apprehension of criminals have rarely attracted detailed study from historians of the nineteenth century. Doubtless, many consider such functions were simply performed by the new police. Such work that exists on criminal investigation has focused overwhelmingly on police detection, on the perfectly fair basis that the detective functions of the new police have for too long been neglected.<sup>1</sup> Although the police were inevitably reliant upon information from the public, few historians have sought to uncover the process of reporting crime to the police, let alone to examine civilian efforts to trace criminals independently. In stark contrast to their eighteenth-century predecessors, therefore, Victorian victims are excluded from the history of criminal investigation, despite the fact that they were often naturally the first to make decisions in response to crime.

There has similarly been very little scholarship on how criminals were apprehended in the past. The most substantive effort to reconstruct this process is Robert Shoemaker's study of law-enforcement on the streets of London before the new police.<sup>2</sup> In it, we are told that apprehension ceased to be primarily the job of the plebeian crowd over the course of the eighteenth century, and increasingly came under the control of various professional police agencies. In parallel, victims of crime came to rely on night watchmen for protection, rather than their own mettle (or courageous bystanders). Shoemaker's work is welcome, especially as it explores eighteenth-century policing in practice, rather than

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<sup>1</sup> Also, almost all studies explore metropolitan rather than provincial experiences: see most recently Shpayer-Makov, *Ascent of the Detective*.

<sup>2</sup> Shoemaker, *London Mob*, chapter two. Further on the pre-trial process, see especially King, *Crime, Justice and Discretion*, chapters two and three.

simply analysing reforming initiatives on paper.<sup>3</sup> Yet the tidiness of his narrative is suspect – were victims and bystanders really so indisposed to respond energetically by 1800?

This chapter addresses both problems – the detective process and the apprehension of the criminal – using newspaper evidence from nineteenth-century Leeds. It uncovers civilian responses to crime, how private individuals and businesses dealt proactively with their own criminal encounters. Its analysis is thus essentially situational, the first half following victims and bystanders through the streets, into shops and houses to explore their responses to criminal encounters in specific contexts. Over the course of the nineteenth century, the police authorities certainly assumed a greater role in apprehending felons, yet their impact was qualified by the patchy coverage of beats, and moreover the persistent disposition of ordinary people to seize offenders for themselves. The remainder of the chapter explores how police detective work depended upon civilian activity – victims' reports and the co-operation of local shopkeepers – before examining the role of the press in criminal investigation. As well as celebrating those who took the initiative to capture criminals themselves, the press played a significant role in disseminating detective intelligence and, increasingly after 1836, co-ordinating public assistance for the new police. The process of catching criminals in the nineteenth century was thus one of dynamic adjustment to changing conditions; the new police did not simply 'take over' from ordinary victims, and the response to crime remained to a considerable extent shared between police and public.

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<sup>3</sup> This is a weakness of much scholarship on eighteenth-century police: see Devereaux, 'British Policing', pp.146-151.



## **Confronting the Criminal**

Given that the new police exercised considerable authority to arrest on the streets, it is tempting to suppose that, shortly after their introduction, policemen had monopolised the task of apprehending criminals. Evidence from Leeds, however, exposes deficiencies in this account. Of course, the new police made an enormous contribution to the seizure of criminals, and the vibrant culture of civilian apprehension evident by the mid-1830s was perhaps on the wane by mid-century. Yet two general observations pave the way for a more nuanced account of this process. Firstly, the extent of civilian involvement in confronting and pursuing offenders varied between distinct urban spaces. In the home, in shops and in workplaces, ordinary people remained ideally positioned to interrupt and intercept thieves throughout the century. Secondly, even in the street, a policeman was not always on hand when needed, and many victims were not content to let an offender escape; furthermore, embattled pedestrians were often able to call upon the assistance of bystanders and others. There remained, then, a patchwork of agencies responsible for depositing offenders in custody; while the police assumed a greater share of this labour as the nineteenth century wore on, they continued to benefit from lay assistance in bringing criminals to heel.

### *At Home*

Despite the efforts of householders to secure their dwellings, a certain proportion of housebreakers inevitably got in. Many were in possession of the few rudimentary skills required to prise open doors discreetly; those who were not rarely blushed at the prospect of

smashing a window. While policemen were repeatedly exhorted to watch for any signs of intrusion on their beats, those best placed to recognise a suspicious entry were the inhabitants themselves, together with their servants, neighbours and acquaintances. What follows examines how ordinary people interrupted burglaries in progress and tried to apprehend those responsible.

No matter how skilled and careful, housebreakers inevitably ran the risk of discovery by occupants. As burglars were generally opportunistic, casual offenders, they almost invariably fled when disturbed – despite popular fears of violent confrontation, few criminal intruders seem to have engaged their victims. In 1835, thieves broke into the house of John Tiffany, labourer, at Horsforth, by forcing the window open, yet ‘[t]he noise...occasioned by the breaking was heard by the inmates, who immediately got up, and the villains been [sic] alarmed, made a precipitate retreat.’<sup>4</sup> The vigilant occupant was ideally placed to disturb criminals. The intruders who forced entry at a house in the Roundhay area a few months later ‘would probably have secured a larger booty, had they not been alarmed by Mrs Burton [occupant], who heard the depredators before they had been long in the house.’<sup>5</sup> Clearly, entering premises at night offered no guarantee of avoiding such encounters; instead, some thieves targeted dwellings which were unoccupied, yet even careful operators still risked exposure. In 1837, some men forced entry into a widow’s house in Potternewton, shortly after she had locked up and gone to church. No sooner had they made their entry, however, than they were overheard by her son, who was resting in bed on account of illness. On coming down to investigate the noise, he met with the intruders, who swiftly made their escape empty-handed.<sup>6</sup>

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<sup>4</sup> L.T., 21/3/35, no page.

<sup>5</sup> L.T., 28/3/35, no page.

<sup>6</sup> L.T., 4/2/37, p.4.

Neighbours and passers-by were sometimes also responsible for discovering burglaries. In 1835, a servant saw some men climbing over the wall of the next-door property in Cobourg Street. She immediately told the housekeeper, who went to challenge the men. Unconvinced of their excuses, she procured the assistance of Clarke, a policeman, who recognised the suspects as 'reputed thieves', and took them into custody.<sup>7</sup> Strangers scaling a boundary wall gave quite obvious grounds for suspicion, yet other cases were more impressive. That same year, a house was broken into in the Leylands. A passing friend, seeing an interior light, tried the door, but found it locked. 'Suspicion having been aroused, the man after inquiry found the owner of the house, who immediately returned home, but a little too late to take the marauders into custody, they having decamped on the first interruption, leaving a great variety of articles packed up, ready for carrying off.'<sup>8</sup> The efficacy of such neighbourly surveillance was sometimes implicit in newspaper reports. Following a burglary at an empty house in Armley, the *Leeds Times* commented: 'so well did the marauders manage their business, that they have gone in and out of the house, opening and fastening the door, without attracting any attention, or leaving any signs whatever of their operations.'<sup>9</sup> The reporter's surprise suggests that local residents would normally detect any extended intrusion of this kind.

Even after the formation of the new police, neighbours and others remained vigilant for criminal intruders in their locality. On passing William Waites's house in 1875, Frank Gallagher (a mechanic) noticed four men standing in the doorway. In an attempt to diffuse suspicion, one of them loudly declared that Waites must be at the pub, yet Gallagher was sure that all was not right, and kept watch from around the corner. After two of them

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<sup>7</sup> L.T., 28/3/35, no page.

<sup>8</sup> L.T., 30/5/35, no page.

<sup>9</sup> L.T., 13/6/35, no page.

entered and illuminated the house, Gallagher asked a nearby woman to obtain assistance, at which point the two men waiting outside the house fled. He nonetheless ran over and held the door shut, trapping their accomplices inside, who were eventually apprehended by a neighbouring butcher.<sup>10</sup> Despite the presence of constables on the beat, therefore, neighbours and others were still on hand to discover and apprehend housebreakers in working-class neighbourhoods.

As Gallagher's efforts suggest, ordinary people also physically resisted intruders themselves. On returning home one evening in 1836, flax dresser Thomas Beecroft found his door open. With a nearby constable, he conducted a search of the property, and detained the two burglars.<sup>11</sup> While Beecroft was able to take his suspects without incident, others were not so lucky, with violence often the result. Later that year, Mr Scholey awoke in the night to find a group of men across the passage from where he slept. With firearms lodged in that part of the house, Scholey waited for them to exit, upon which he sprung out and hounded them off the premises. One fell in the chase, however, and tried to resist apprehension by wielding a crowbar; yet the householder seized the weapon from him, dealing his prisoner a severe blow, and eventually securing him with the help of a neighbour who came upon hearing the disturbance.<sup>12</sup>

If such heroics were unusual, cases of civilian apprehension recurred throughout the century. In 1855, the *Leeds Times* praised Frances Shaw – 'A COURAGEOUS YOUNG LADY' – for detaining housebreaker Henry Foster. Foster had been discovered by an occupant on New Merrion Street, before being pursued and seized by Shaw while

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<sup>10</sup> L.T., 13/2/75, p.3.

<sup>11</sup> L.T., 12/3/36, no page.

<sup>12</sup> L.T., 3/9/36, p.4.

attempting to escape.<sup>13</sup> The newspaper had cause for a similar celebration twenty years later – ‘BURGLARS CLEVERLY CAPTURED REDHANDED’ – after three men were apprehended in the house of Pullan, a Headingley woollen merchant. A neighbouring draper, hearing noises coming from Pullan’s house and knowing the family to be away, went out to investigate. Having found the cellar grate raised up, he called up another neighbour, who had been entrusted with the key to the dwelling, and together with some other ‘gentlemen’ detained the intruders inside.<sup>14</sup> As the newspapers probably commented on only a portion of domestic intrusions, one cannot be sure of the changing frequency of neighbourly intervention in criminal encounters over time. That said, the nature of the domestic space meant that occupants and neighbours remained ideally placed to respond to burglars, including under the new police.

### *Shops, Warehouses and Factories*

Like householders, shopkeepers were aided in discovering thefts by the vigilance of neighbours and passers-by, as well as their own employees. In 1835, a man helping himself to walking sticks from a shop doorway in Lowerhead Row was spotted by a bystander: ‘[t]he gentleman followed him into the North-passage, where he was taken into custody and brought back with the sticks in his possession to Mr. Graham’s shop.’<sup>15</sup> In a few cases, bystanders went to great lengths to watch over suspicious characters. Elijah Sowden, for example, observed Thomas Wilson extract handkerchiefs from a draper’s shop window on

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<sup>13</sup> L.T., 13/1/55, p.6.

<sup>14</sup> L.T., 12/6/75, p.3.

<sup>15</sup> L.T., 7/11/35, no page.

the Leeds Bridge, 'whilst under a pretence of looking in at a shop window adjoining', before pursuing and apprehending him and notifying the shop assistant.<sup>16</sup> The watchful eyes of passers-by were clearly a great help to shopkeepers in detecting thefts and apprehending offenders.

This kind of informal surveillance contributed to the discovery of crimes and criminals long after the foundation of the new police. In 1881, a passer-by saw Tom Denton steal a pair of clogs from outside a shop in Wellington Street; on hearing of the occurrence, the proprietor immediately sent for a constable and had Denton arrested.<sup>17</sup> Four years later, labourer William Swainston apprehended a lad coming out from a tobacconist's cellar in Market Street one night, and gave him into police custody.<sup>18</sup> Without such civilian diligence, many cases of shoplifting would have gone undetected. None of this diminishes the significance of 'official' preventative policing, yet it suggests that wider networks of surveillance operated quite independently of the police in this period.

As often as thefts were discovered by passers-by, shopkeepers themselves identified crimes and pursued offenders.<sup>19</sup> Proprietors commonly followed suspected thieves on departure and brought them back into the shop, to search them for missing goods. Such cases were common before and after the reform of the police, as in 1835, when two women were followed out of a Briggate linen draper's shop and brought back onto the premises, where one of them dropped a piece of cloth.<sup>20</sup> Almost forty years later, shopkeepers were still regularly taking thieves themselves. In 1874, Elizabeth Brow's tobacconist was entered by William Jackson while she was in an adjoining room. Coming through into the main

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<sup>16</sup> L.T., 14/11/35, no page.

<sup>17</sup> L.D.N., 8/4/81, no page.

<sup>18</sup> L.T., 16/5/85, p.3.

<sup>19</sup> This is perhaps unsurprising given that, despite the rise of 'multiple' stores, most nineteenth-century retailers were small-scale and independent, who had a substantial personal investment in the business: see Winstanley, *Shopkeeper's World*, chapter three.

<sup>20</sup> L.T., 6/6/35, no page.

shop, she noticed some cigar cases were missing, and accused Jackson of stealing them, at which point he fled. Brow took off in pursuit, eventually handing him over to Constable Hobson, who found the cigar cases concealed on his person.<sup>21</sup>

Such occurrences, however, were not always so straightforward. There is an inherent tension in retail between the need to secure property and the requirement to expose it for sale; keeping shop wares secure was thus part of a range of dilemmas facing nineteenth-century shopkeepers, including the better known quandary of credit.<sup>22</sup> It was not, though, beyond the wit of proprietors to deal creatively with suspicious occurrences. In 1881, a complicated transaction took place in Duckles' grocer's shop, in which he gave various amounts in change to one Mr Gouge. After dealing with the demanding customer, however, Duckles found he was five shillings short. After Gouge left a neighbouring outlet, Duckles consulted the proprietor; they discovered a similar fraud had been committed, upon which Duckles enlisted Constable Crowson to apprehend Gouge and his accomplice.<sup>23</sup> Despite the complexities of such criminal encounters, then, shopkeepers found appropriate means of identifying and apprehending offenders.

Some took the task of detection one step further, setting traps to catch suspected or repeat thieves in the act.<sup>24</sup> In 1836, a boy succeeded in stealing from the till of Mr Tasker, a butcher, who was distracted in bartering with the lad's mother. Suspecting he would return, Tasker emptied the till and instructed his staff to keep a close watch over it. The young thief reappeared after just a couple of days, but departed smartly after searching the till. Still Tasker was determined to catch the lad red-handed, and so he deposited some marked

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<sup>21</sup> L.D.N., 15/1/74, p.4.

<sup>22</sup> See Adam Crawford, 'Crime Prevention and Community Safety' in Maguire, Morgan and Reiner (eds), *Handbook of Criminology*, fourth edition, pp.901-902; Melanie Tebbutt, *Making Ends Meet: Pawnbroking and Working-Class Credit*, Leicester: Leicester University Press, 1983, p.69.

<sup>23</sup> L.D.N., 20/1/81, no page.

<sup>24</sup> Middle-class householders similarly left coins to test the honesty of domestic servants: Humphries, *Hooligans or Rebels?*, pp.170-72.

silver and copper in the register. Finally, he succeeded in apprehending the young larcenist, in possession of the marked coin, and gave him over to the police.<sup>25</sup> Although infrequently reported in the newspapers, such strategies for catching repeat offenders survived into the twentieth century. Growing up poor in Birmingham around 1900, Vere Garrett repeatedly stole from the local shop while fetching eggs for his father:

[i]t happened that the shopkeeper kept his eggs in a cupboard in the living-room, and I discovered that the time it took him to saunter backwards and forwards for the egg enabled me to stretch over the rather low counter, extract a few coppers from the till, and regain my position...one morning I found the till would not respond to my customary handling, and in giving it an extra pull, brought a large knife, that had been fixed in it as a trap, crashing to the floor.<sup>26</sup>

While various traps were set for customers in Leeds, their most common target was pilfering employees. One tactic was to mark up the coveted property and search the suspect for it later. In 1855, butcher B.M. Wrigley came to suspect his assistant Thomas Scales of dishonesty; he marked a quantity of tallow, which duly went missing, and was subsequently discovered by the police at Scales' house.<sup>27</sup> A few months later, a druggist suspected his errand boy of theft. He therefore marked a container of 'Spanish juice' (liquorice), deposited it in a shop drawer, and set Detective Musgrave to watch his premises, who apprehended the lad with the substance in his possession.<sup>28</sup> Such tactics allowed shopkeepers to act on specific suspicions, yet some may have marked goods more as a matter of course, as a protection against surprise theft. Mrs Blundell, who sold shoes in the

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<sup>25</sup> L.T., 17/12/36, p.5.

<sup>26</sup> V.W. Garrett, *A Man in the Street*, London: J.M. Dent & Sons, 1939, pp.29-30.

<sup>27</sup> L.T., 13/1/55, p.4.

<sup>28</sup> L.T., 19/5/55, p.5.



Central Market, was able to identify a pair of stuff shoes taken from her stall in 1836 by a 'private mark' inside.<sup>29</sup>

Employers similarly marked up cash in cases of suspected embezzlement. By late 1836, linen draper Mr Sugden had for some time suspected his assistant Joseph Charles Wood of embezzlement. He eventually took detection into his own hands, issuing a man called Nelson with some marked silver to spend at the shop. He subsequently discovered the till was several shillings short, and sent for a constable, who found Wood in possession of the money.<sup>30</sup> It is unclear how frequently employers resorted to such methods; although they were seldom noted in the newspapers, embezzlement itself was much under-reported in this period (as private settlements were often preferred to prosecution).<sup>31</sup> A solitary example from 1882, however, indicates that the practice of marking cash and goods survived in the shadow of the new police. In this case, the management at Miller's furniture store suspected a junior salesman of taking cash. They marked some monies in the cash box, and secreted Detective Rowley in the office to watch it, who later made the arrest.<sup>32</sup> Faced with the difficulty of confidently identifying an embezzler, suspicious employers clearly found marking cash a useful detective device.

More commonly, the proprietors of commercial and industrial premises set watch over the property itself. Chapter four explored the employment of regular private watchmen, yet there were also more ad-hoc watching arrangements in response to particular criminal threats. In 1837 William Gains, who operated a fish cart in White Hart Lane, suspected that a plasterer named William Holderness was intending to steal some fish. He thus secreted himself in the cart, and waited. At length, Holderness arrived and

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<sup>29</sup> L.T., 17/9/36, p.4.

<sup>30</sup> L.T., 26/11/36, p.5.

<sup>31</sup> Locker, 'Quiet Thieves, Quiet Punishment', pp.9-31.

<sup>32</sup> L.D.N., 15/2/82, no page.

started removing the produce, whereupon Gains seized him and handed him over to a policeman.<sup>33</sup> Masters often set their workers to watch over vulnerable property in light of specific concerns, leading to the capture of thieves in pubs,<sup>34</sup> warehouses,<sup>35</sup> workshops<sup>36</sup> and woodyards.<sup>37</sup> Such initiatives recurred throughout the nineteenth century. As late as 1885, the *Leeds Times* reported the following case involving fishmonger James Gibbon:

[i]n consequence of frequent robberies from his warehouse, Mr. [sic] Gibbon caused himself to be locked in on Monday night. At about nine o'clock he heard someone in the room used for storing and making herring boxes. Going into the room he found a bag and a pair of clogs. He called out, and not receiving a reply, fired two shots from a double-barrelled gun. A minute later he found [the] prisoner...and gave him into custody.<sup>38</sup>

It is interesting that both Gains and Gibbon should go to such lengths to secure their suspects, only to hand them over to the police afterwards. They may have taken a certain pleasure in personally laying hands upon their criminal adversaries; perhaps more likely, the police may have been unwilling to allocate scarce manpower to such speculative duties. In any case, there was evidently no strict separation between civilian and police law-enforcement; even when dealers were prepared to prosecute, they might rely upon their own resources to apprehend offenders.

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<sup>33</sup> L.T., 23/12/37, p.4.

<sup>34</sup> L.T., 23/1/36, no page.

<sup>35</sup> L.T., 8/1/42, p.8; L.D.N., 30/3/81, no page.

<sup>36</sup> L.T., 7/4/55, p.5.

<sup>37</sup> L.D.N., 24/1/82, no page.

<sup>38</sup> L.T., 14/2/85, p.3.

## *On the Street*

When confronted with criminal violence on the streets of the Victorian city, it fell to the victim, in the first instance, to defend themselves. Everyday experience and press commentaries educated pedestrians in violent encounters, and some apparently wasted little time in challenging their aggressors. Upon meeting robbers on the highway between Leeds and Headingley in 1835, one gentleman 'instantly knocked one of them down'.<sup>39</sup> Others were similarly capable of defending themselves. Another 'gentleman' walking one evening to Chapel-Allerton was pushed up against a wall and robbed of his purse: '[o]n turning round, and getting a little disengaged, he let fly at one of them with a good stick, and probably wounded him severely in the face'.<sup>40</sup> One must not read too much into these stories, as newspapers probably exaggerated the violent aspects of criminal occurrences.<sup>41</sup> Yet reports such as these demonstrate that some victims were prepared to defend themselves vigorously when under attack.

Self-defence remained much in evidence after the formation of the new police. The presence of constables on the streets did not result in a Bobby on every corner,<sup>42</sup> and newspaper reports of criminal confrontations reveal that civilian self-protection helped to fill gaps in police provision. In 1837, Robert Thompson was arrested by a watchman for fighting in the streets, but before the magistrates, he claimed to have been defending himself against a group of mechanics: he 'admitted it was highly improper to create disturbances in the streets...but averred that in this case he was compelled, in order to

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<sup>39</sup> L.T., 7/11/35, no page.

<sup>40</sup> L.T., 26/12/35, no page.

<sup>41</sup> On the newsworthiness of violence, see Sindall, *Street Violence*, pp.5-6; Crone, *Violent Victorians*, pp.233-35.

<sup>42</sup> See Emsley, *Crime and Society in England, 1750-1900*, p.244.

defend himself, no policeman appearing at their call to render assistance.<sup>43</sup> While the growth of police manpower gradually ensured more comprehensive coverage of beats in the second half of the nineteenth century, some victims inevitably remained isolated. In 1882, William Wilkinson was set upon and robbed by two men in Swinegate. According to the *Leeds Daily News*, he 'struck the elder a blow in self-defence, and then called out for the police, but none came up.'<sup>44</sup> The partial reliance of pedestrians upon their own mettle for protection – even in the era of the new police – was thus publicised and often commended in the press.<sup>45</sup>

Without police assistance, many victims additionally gave chase to criminals. In 1837, while tending to his cart in the free market around midnight, Edward Wooller was set upon by two men and a woman, who attempted to rob him; after putting up considerable resistance, he cried 'murder', and detained one of his assailants until a policeman arrived on the scene.<sup>46</sup> As constables were rarely already present at such exchanges, victims remained active in apprehending offenders throughout this period. Mr Hodgson, a visitor to the city in 1855, was robbed of £18 by a man and a woman. He called for the police, while also setting off in pursuit of the male suspect, Peter Dunn, whom he eventually captured.<sup>47</sup> In 1881, while on his way home from the pub one afternoon, cloth presser James Mountain had his pocket picked of more than a sovereign by a young woman. Despite following at once, he soon lost sight of the culprit; fortunately, however, he happened upon her again shortly afterward, and handed her over to a nearby constable.<sup>48</sup> Although their numbers grew over the nineteenth century, policemen could not be in all places at once, and so the

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<sup>43</sup> L.T., 28/10/37, p.4.

<sup>44</sup> L.D.N., 30/3/82, no page.

<sup>45</sup> Further on press responses, see further Godfrey, *Crime and Self-Defence*, pp.54-56; Williams, 'Police and Crime', pp.280-81.

<sup>46</sup> L.T., 20/5/37, p.4.

<sup>47</sup> L.T., 14/7/55, p.5.

<sup>48</sup> L.D.N., 19/1/81, no page.

task of pursuing and apprehending suspects on the street continued to fall in part upon victims of crime.<sup>49</sup>

Of course, some people were better able to give chase to thieves than others. Drunken victims often ran into difficulties, including John Holt, who tried to pursue Henry Rogers on suspicion of theft, but 'being intoxicated with the liquor he had drank, he fell down in that state, and lay there till he was picked up by a policeman'.<sup>50</sup> There was certainly no universally capable citizenry busy catching criminals in the Victorian city, yet a few examples illustrate that an impressive range of people were willing and able to pursue offenders. These included women as well as men, and there were a few examples of elderly victims pursuing thieves, even in challenging circumstances. One night in 1855, an ageing John Booth succeeded, in the face of considerable obstacles, in apprehending Mary Ann Johnson for stealing his watch: '[h]e pursued her up a yard, in which he saw two men, who got hold of and struck him, but, getting away from them, he still persevered in his pursuit, and never lost sight of Johnson till he saw her enter the Malt Shovel Inn, Swinegate, whither he followed her.'<sup>51</sup> Booth was lucky, however – most victims struggled to overcome thieves flanked by accomplices. Such encounters frequently took place in and around brothels, where prostitutes operated with male protection. Thomas Brunskill's pocket was picked on a visit to a brothel in 1835, and the thief managed to make her escape. Determined to track her down, Brunskill searched the nearby area, eventually finding the woman, only for her to be rescued by her male associates who ill-treated

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<sup>49</sup> See also Davis, 'Prosecutions and their Context', p.414, on victims of street theft detaining offenders until the police arrived.

<sup>50</sup> L.T., 13/9/45, p.4.

<sup>51</sup> L.T., 18/8/55, p.3.

Brunskill and stole his hat.<sup>52</sup> While such resistance was not always insurmountable, Brunskill's case and others point to the limits of civilian apprehension.

One way of coping with these limits, however, was to call upon the support of the urban crowd. Rather than chasing thieves *en solo*, most victims drew assistance from neighbours, acquaintances and anonymous bystanders. In 1837, for instance, George Day got talking with a woman in Vicar Lane, and walked a short while with her before realising he was missing some money. He seized the woman, yet she beckoned help, and two accomplices (one male and one female) came up to rescue her. In response, Day too called for support, prompting two people to come forward to secure the women, allowing Day to set off in pursuit of the man.<sup>53</sup> Some twenty years later, one Mr Gaunt witnessed a man picking Sarah Hobson's pocket in Briggate, upon which he followed the perpetrator, retrieved the purse, and took the man to the lock up.<sup>54</sup> The lengths to which some were prepared to go in apprehending suspects were quite remarkable. One night in 1881, John Thomas broke into a pawnbroker's shop through the ceiling, extracted some boots, and climbed back up onto the rooftops to make his escape. He had not counted, however, upon a nearby chimney-sweep, William Gozzard, who noticed a figure on the roof, scaled the building and located the suspect. Thomas managed to slip away down a spout, yet he was taken on the street by another bystander, who held him prisoner until a policeman arrived.<sup>55</sup> The resourcefulness and determination of some members of the public evidently rivalled even the most capable members of the police force.

The street crowd was also often on hand to assist those subjected to violence. William Jackson was probably killed in 1835 by one of two men who came to the aid of his

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<sup>52</sup> L.T., 7/11/35, no page.

<sup>53</sup> L.T., 18/2/37, p.4.

<sup>54</sup> L.T., 31/3/55, p.5.

<sup>55</sup> L.D.N., 10/3/81, no page.

wife, whom Jackson was at that moment subjecting to a severe beating.<sup>56</sup> Twenty years later, some men who attempted to garrote Michael Blanchard in Spring Street were forced to flee by the approach of various passers-by.<sup>57</sup> Where criminals or victims were known to local people, the crowd was sometimes eager to get its punishment in first, before giving the suspect over to the police. When an old man was assaulted near Morley in 1882, he issued a cry of 'murder', whereupon several locals arrived on the scene. The young assailant was separated from his victim and delivered into police custody, though, according to the *Leeds Daily News*, 'not...before he had received considerable rough usage by the crowd.'<sup>58</sup> Such themes are familiar to historians of domestic violence, who have explored the complex motives of neighbourly (non-) intervention in cases of acute wife-beating.<sup>59</sup> Likewise, victims of street violence could not rely upon the assistance of bystanders, yet taken together these examples of mutual assistance further undermine the supposed exclusivity of police authority on the streets.

The utility of the crowd in apprehending offenders was reflected in victims' calls for assistance. Over the course of the eighteenth century, Shoemaker has argued that victims on the streets of London increasingly appealed specifically for *police* rather than civilian assistance, with cries of 'watch' increasingly favoured over the traditional 'stop thief' or 'murder'.<sup>60</sup> His argument rests on trial reports in the *Old Bailey Proceedings*. While there is no similar series of court reports for Leeds, a more impressionistic survey of

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<sup>56</sup> In a typically questionable verdict, the coroner's jury concluded that Jackson had died of a fall while attempting to strike one of the men: L.T., 24/1/35, no page.

<sup>57</sup> L.T., 6/1/55, p.2.

<sup>58</sup> L.D.N., 25/3/82, no page.

<sup>59</sup> Nancy Tomes, 'A "Torrent of Abuse": Crimes of Violence between Working-Class Men and Women in London, 1840-1875', *Journal of Social History* 11 (1978), pp.335-37; Ellen Ross, "'Fierce Questions and Taunts": Married Life in Working-Class London, 1870-1914', *Feminist Studies* 8 (1982), pp.591-93; Woods, 'Community Violence', p.185; Conley, *Unwritten Law*, pp.75-78, 104-107; D'Cruze, *Crimes of Outrage*, pp.49-50; Louise A. Jackson, *Child Sexual Abuse in Victorian England*, London: Routledge, 2000, chapter two.

<sup>60</sup> Shoemaker, *London Mob*, pp.29-32, 34-36, 41.

newspaper crime reports indicates the persistence of established modes of obtaining assistance. The newspapers are full of such reports in the mid-1830s, despite twenty years of policing under the night watch. Sometimes bystanders raised the alarm on behalf of embattled victims; at the 1835 Leeds fair, a woman named Scott saw several men rifling the pockets of a drunken farmer, whereupon she called out, 'stop thieves, they've robbed a man'.<sup>61</sup> Over time, cries of 'watch' or 'police' probably did become more common,<sup>62</sup> yet 'murder' remained the most widely reported. This exclamation was frequently used to draw neighbourly attention to dangerous domestic confrontations, and was certainly not confined to instances of life-threatening violence.<sup>63</sup> Boot finisher William Henry Topham issued the cry on being robbed in 1875,<sup>64</sup> and William Taylor used it in 1882 while drunkenly quarrelling with two women outside the Lord Nelson Inn.<sup>65</sup> Given the mix of civilians and policemen who responded to these various calls in practice, their relative frequency does not directly reveal who victims hoped and expected to attract; yet, as far as it goes, the survival of traditional appeals for assistance raises further questions about the supposed symbolic police monopoly over crime control.

One powerful indication of the street crowd's role in apprehending criminals was that policemen also sought its support. From the very foundation of the new police, officers occasionally struggled to take suspects into custody without civilian assistance. After just a month under the new system, Inspector James – who had previously been an officer in the

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<sup>61</sup> L.T., 18/7/35, no page.

<sup>62</sup> See for example L.T., 6/8/36, p.4, 20/8/36, p.4, 11/1/45, p.4, 16/6/55, p.5.

<sup>63</sup> D'Cruze, *Crimes of Outrage*, pp.49-50; Shoemaker, *London Mob*, p.31. The popularity of the cry of 'murder' may have been rooted in law, as private individuals and constables were specifically empowered to enter a dwelling 'in order to prevent murder, upon a sufficient cry for assistance': G. Glover Alexander, *The Administration of Justice in Criminal Matters (in England and Wales)*, 1915, Cambridge: Cambridge University Press, new edition 1919, p.23.

<sup>64</sup> L.T., 3/7/75, p.3.

<sup>65</sup> L.D.N., 5/1/82, no page.



old police – observed a dog fight taking place in Marsh Lane. He managed to capture one Thomas Haynes, but met with considerable resistance, and a hostile crowd soon had formed around the officer, goaded by Haynes’s wife. James responded by calling two civilians to his assistance, who were themselves assaulted in rendering help, before a third man arrived on horseback and dispersed the crowd, allowing James and his assistants to take three prisoners into custody.<sup>66</sup>

As well as bailing constables out of violent confrontations, ordinary people assisted with the simple task of physically apprehending suspects. Primitive methods for calling police reinforcements forced many struggling constables to obtain public assistance. In 1855, Constable Virtue found himself chasing two young housebreakers down Woodhouse Lane. He secured one of them but, keen to continue the chase, he gave his prisoner into the custody of a nearby man, before setting off and apprehending the second lad.<sup>67</sup> Some determined criminals would surely have evaded capture, but for the generous support of passers-by. John Campbell – a returned convict – was one such suspect, who was found trespassing on a farmer’s field in 1885. He struck a labourer who remonstrated with him, before twice resisting Constable Prewer’s attempts to arrest him. At length, much to the relief of the *Leeds Times*, ‘a smart carter named Carrington got in his way, and gave him such a “taste” of his whip as he did not relish. Between them [Prewer and Carrington] they managed to secure Campbell, who was marched to Sheepscar Police Station’.<sup>68</sup> When considering relations between police and public, of course, such instances must be weighed against those of crowd hostility towards police officers and the innumerable cases of civilian indifference which went unreported. In the analysis of crime control, however,

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<sup>66</sup> L.T., 30/4/36, no page.

<sup>67</sup> L.T., 25/8/55, p.3.

<sup>68</sup> L.T., 7/3/85, p.3.

these examples show that even some ‘police’ arrests were not wholly the work of the police.

In law, civilians retained broad powers of arrest in the nineteenth century. By 1860, the private individual remained authorised to arrest anyone suspected of an indictable offence ‘on reasonable suspicion of his guilt’, while property owners and their servants could apprehend, without a warrant, anyone found actually committing an offence under the Vagrancy Act, Malicious Injuries Act or the Larceny Act.<sup>69</sup> The police answered certain ‘low-level’ complaints from residents by reminding them of these powers. In a letter to Reverend Bloomfield – who, in 1871, complained of lads stealing coals and other small articles from the back of his premises – Chief Constable Wetherell promised to notify his men, yet added: ‘I may just observe that any householder or his servant has power to arrest any persons found committing a felony by stealing goods, or otherwise and deliver such offender into the custody of a police officer.’<sup>70</sup> Those assisting the police were granted additional legal protections, as assaults committed upon them were treated just as seriously as those on actual constables.<sup>71</sup> Strikingly, however, the law additionally imposed an *obligation* on the public to assist their protectors; it remained an indictable misdemeanour – punishable by fine, imprisonment or both – to refuse to come to a constable’s aid when solicited. As F.W. Maitland summarised, ‘the law expects of bystanders more than benevolent neutrality; it expects them to assist a constable who in making an arrest calls for their aid, and it will punish them if they refuse assistance.’<sup>72</sup>

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<sup>69</sup> Samuel Stone, *The Justices’ Pocket Manual; or, Guide to the Ordinary Duties of a Justice of the Peace*, London: Shaw & Sons, eighth edition 1860, pp.76, 78.

<sup>70</sup> C.C.L., 2/11/71, pp.95-96.

<sup>71</sup> Stone, *Justices’ Pocket Manual*, pp.80-81.

<sup>72</sup> Maitland, *Justice and Police*, p.122.

In practice, actions for refused assistance were rare, and the burden of proof required to secure a conviction was considerable by mid-century.<sup>73</sup> There was, however, one such case in Leeds in 1875, in which Chief Constable Henderson prosecuted John Nortcliffe, landlord of the Green Parrot Inn. Constable Barker had called upon Nortcliffe after the crowd forcibly resisted his efforts to arrest Alice Ledgard on a charge of indecent conduct. Barker sought refuge at the inn, but was twice refused admission, resulting in the charge against Nortcliffe.<sup>74</sup> While this is an interesting case, it was exceptional; few bystanders who saw a police officer in difficulty probably considered the prospect of legal sanction should they not come to his aid. It is more likely that pedestrians were aware in a more vague sense that they were supposed to support troubled policemen; the decision actually to intervene, however, remained at their discretion.

By the late nineteenth century, the Watch Committee made payments as compensation or reward to individuals who had assisted officers in apprehending criminals. Sometimes they compensated individuals for injuries sustained in helping the police: Joseph Stringer, 'who had his leg broken whilst assisting the police', was allowed 21s. a week for four weeks.<sup>75</sup> Other monies, though, were transferred apparently without any such damages, such as when Thomas Tutin was granted 20s. for helping the police quell a street disturbance in 1878.<sup>76</sup> These payments were rare, yet they suggest that the police authorities, by the 1870s, were beginning to consider the apprehension of criminals more exclusively as their responsibility, and to re-evaluate the significance of public participation. It is less clear whether ordinary people themselves, by this point, similarly considered the apprehension of criminals purely a police responsibility, or whether actual

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<sup>73</sup> See Stone, *Justices' Pocket Manual*, p.128.

<sup>74</sup> L.T., 3/4/75, p.5.

<sup>75</sup> W.C.11, 4/2/76, p.245.

<sup>76</sup> W.C.12, 31/10/78, p.280.

instances of civilian assistance were becoming less frequent. However, a few at least embraced the changing police logic to advance their own interests. James Hawkesworth thus requested payment from the Committee in 1883, 'for services rendered to the Police when apprehending two burglars in June last'.<sup>77</sup> The idea that apprehending criminals was a 'service' delivered by the public for a fee constitutes a striking divergence from the conception of civilian assistance as a public duty, which seems to have coloured such interactions in the early nineteenth century.

It should already be apparent that the press played an important role in commending civilian initiative in the detection and apprehension of offenders. As the nineteenth century wore on, the newspapers increasingly celebrated those who personally confronted criminals.<sup>78</sup> This applied to cases of national, as well as local, significance. In 1882, the *Leeds Daily News* applauded the conduct of a young Glaswegian lady who grappled with an intruder under the heading, 'A BURGLAR ARRESTED BY A BRAVE GIRL'.<sup>79</sup> From a slightly different angle, columnists recommended the virtues of assisting imperilled pedestrians (especially women) in the streets. Writing in the *Leeds Daily News*, the 'Flaneur' relayed a case he claimed to have witnessed of a young woman being harassed by a group of men in the city centre:

I observed the affair throughout, and was on the point of giving the brute into custody, when he noticed that he was being observed, and so made off. My advice to ladies is that they should drop all notions of delicacy in this regard, and should appeal to the nearest passer-by for protection. Men generally, thank God for it, hold women in chivalrous honour and respect, and *they are their proper police*.<sup>80</sup>

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<sup>77</sup> W.C.14, 24/8/83, p.99. On enquiry the Committee found that the householder in this case had already paid Hawkesworth a reward of 10s., and so refused him any further payment: W.C.14, 31/8/83, p.101.

<sup>78</sup> For praise of those troubling burglars see above, chapter four.

<sup>79</sup> L.D.N., 28/3/82, no page.

<sup>80</sup> L.D.N., 18/1/82, no page, emphasis added.

The effect of newspaper reporting on the reader's disposition to apprehend criminals themselves, however, is not at all straightforward. If newspapers foregrounded the violent qualities of criminal encounters in this period, then readers may well actually have been *discouraged* from participating directly in the pursuit of felons. As such, the rather lavish praise offered to active civilians by the late nineteenth century might be interpreted as a compensatory response to waning public enthusiasm to pursue offenders on the streets without police support. Nonetheless, as in the case of crime prevention (see above, chapter four), journalists sought to cultivate civilian activity in a key field of nineteenth-century crime control.

It would be easy to overstate the civilian contribution to apprehension in this period. As the sources do not allow a quantitative analysis, we have no way of knowing, in a city like Leeds, how many thieves were apprehended by lay people, and how this figure changed over time. Andrew Barrett attempted such a survey for urban Cheshire, based chiefly on a systematic analysis of newspaper crime reports; after the reform the police forces, he found that sixty to seventy per cent of apprehensions for property offences were commonly made by the police and the remainder by others, often victims.<sup>81</sup> One should, though, treat these figures with extreme caution. Firstly, as Barrett conceded, they relate only to those cases reaching court which the newspapers saw fit to publicise, and so could constitute a skewed sample.<sup>82</sup> Equally it is often very difficult to be sure, from the brief reports given in

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<sup>81</sup> Barrett, 'Criminal Justice in Cheshire', table 4.3.

<sup>82</sup> Barrett, 'Criminal Justice in Cheshire', p.140.

nineteenth-century newspapers, who was responsible for apprehension in specific cases.<sup>83</sup> This concern is compounded by the fact that Barrett's data include no cases of 'apprehension unknown', which suggests that they were drawn only from a (unspecified) portion of newspaper reports. The most accurate of Barrett's estimates, therefore, are the numbers he gives for Chester, which are based on surviving depositions taken for trial at Quarter Sessions or under the 1855 Criminal Justice Act. Interestingly, these figures present the *lowest* rate of police apprehension of property offenders, ranging between 57 and 68 per cent; put another way, at least one property offender in every three taken to court was detained by a civilian. Despite its shortcomings, then, Barrett's work broadly corroborates the basic profile of newspaper evidence from Leeds: ordinary members of the public continued, long after the formation of the new police, to play an active role in catching criminals.

### Tracing Stolen Property

Studies of nineteenth-century criminal investigation have concentrated largely on the changing means by which police sought to identify and locate offenders. Although personal recognition remained paramount long into the twentieth century, most scholars have focused on such technological innovations as photography and fingerprinting, and the accumulation of data on 'habitual' criminals.<sup>84</sup> However, studying criminals – their whereabouts, habits and distinguishing features – was only one aspect of detective enquiry

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<sup>83</sup> Acute difficulties in this respect forced the abandonment of an attempt to replicate Barrett's inquiry in this study.

<sup>84</sup> Petrow, *Policing Morals*, chapter four; Morris, 'Detectives', pp.90-92; Ireland, 'Angel Copier', pp.53-86; Stanford, 'Who are you?', pp.54-81; Shpayer-Makov, *Ascent of the Detective*, pp.49-52.

in this period. In particular, historians have neglected police strategies for locating stolen property.<sup>85</sup> As most thefts were committed by anonymous opportunists rather than known recidivists (see above, chapter three), tracing property was central to the detective process. This section therefore documents how the police collated and circulated information on stolen property; it reveals that their methods relied upon substantial civilian engagement and activity, in stark contrast to visions of bureaucratic self-determination which colour existing histories of criminal investigation.

### *Reporting Crime to the Police*

The police were naturally reliant upon the public for information about crime, but historians have yet to study how victims reported offences to the authorities. The intelligence which victims provided concerning stolen property and suspect identity was central to the detective process; the more information victims offered, the more substantial their contribution. Yet one must be mindful that police occurrence books – which record these reports – preserve what the officer on duty wrote down, not what complainant actually said. By the late nineteenth century, chief constables regularly criticised the quality of these reports, and descriptions of stolen goods in particular. Henderson directed his men to note ‘any marks or repairs by which the stolen articles might be indentified, also stating when any person is suspected the reasons for such suspicion etc.’<sup>86</sup> Just a year later, he felt

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<sup>85</sup> Though see John Styles’ work on the eighteenth century: ‘John Fielding’, pp.135-37; ‘Print and Policing’, pp.55-111.

<sup>86</sup> G.O.4, 20/10/76, p.84.

compelled to issue a similar order, dissatisfied at 'the very meagre description that is taken of property reported stolen, especially clothing.' This time, he went on at some length:

[f]or instance if a coat is stolen the Clerk taking the information at the Police Station will enter it perhaps as "a brown mixture shooting Coat", and say not another word about it. The description ought to be taken in the very fullest manner, for instance in this way: "[a] brown mixture shooting Coat, dark color [sic] with a red thread running thro' the mixture, has been worn four months, brown horn buttons, has a ticket pocket, two side pockets, and one outside breast pocket, lined with grey Italian lining, which is torn under the right shoulder, small size." [I]n fact getting very particular about the article [is] likely to lead to its identification. So long as the descriptions are taken in the slovenly way they are at present, there can be very little hope of tracing articles stolen, either in Pawnshops or anywhere else.<sup>87</sup>

Henderson's complaints remind us that occurrence reports were the result of an interaction between authority and the victim; as responses to the clerk's questions, they reflect police priorities above all. Descriptions of stolen property should thus be read as the *minimum* knowledge that victims could impart regarding a particular incident. Nonetheless, as some cases refer explicitly to a victim's ignorance of certain details, one must not assume that imperfection in police record-keeping was the only limiting factor in these descriptions.

Most reports of lost and stolen property in Leeds contain at least some detail on the object in question. Of the 462 people whose reports of missing property survive from Headingley, Beeston and Farnley stations, 384 (about 83 per cent) offered a further description of their belongings.<sup>88</sup> The factors which governed these recollections are difficult to reconstruct; the reports rarely contain information on the victims themselves, and so one cannot isolate the influence of age or social class. There were significant differentials, however, between different types of property (see table 5.1). The quality of

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<sup>87</sup> G.O.4, 8/9/77, p.133.

<sup>88</sup> Leeds Police occurrence books, *passim*.



descriptions was significantly below average in three material sub-sets: food and drink, farm and garden items, and money. The difficulty of describing farm and garden items stems from the fact that most articles in this category were trees and flowers. Beyond naming the type of plant, most victims did not provide additional details; few, like Edmund Beckett, recalled the dimensions of stolen plants, for instance.<sup>89</sup> Victims of food theft likewise struggled to advise the police on how to identify their hams, apples or cucumbers from any others.

<b>Property type</b>	<b>Number of reports</b>	<b>Number of reports with further property description</b>	<b>Percentage of reports with further property description (to three significant figures)</b>
<b>Animals</b>	193	175	90.7
<b>Clothing</b>	71	66	93.0
<b>Farm/Garden items</b>	26	12	46.2
<b>Food/Drink</b>	25	6	24
<b>Furniture</b>	15	14	93.3
<b>Jewellery</b>	36	33	91.7
<b>Money</b>	18	12	68.4
<b>Work items</b>	32	26	81.3
<b>Other</b>	22	18	82.8
<b>Various items</b>	24	22	91.3
<b>All property</b>	<b>462</b>	<b>384</b>	<b>83.1</b>

**Table 5.1: Frequency of descriptions provided for missing goods in three out-townships, 1868-1890, by property type.**

**Sources: Headingley Occurrence Book; Beeston Occurrence Book; Farnley Occurrence Book.**

Of course, these figures tell us little about the level of detail in these descriptions. Most reports, as Henderson complained, were rather minimal. Many victims of animal

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<sup>89</sup> H.O.B., 15/1/77.

theft, for instance, could name little besides the colour of missing creatures. Yet material objects such as jewellery were more distinctive, and descriptions of these were often elaborate. Thomas Murphy, a farmer's man from Beeston, reported his watch stolen in 1870. It was: 'an Old Silver Lever Watch. Makers Name Navey Leeds Number unknown cracked on the dial from the figure 12. to the figure 6. with a silver guard attached'.<sup>90</sup> Such intricate accounts of stolen goods were not confined to pieces of jewellery. In 1883, John Wilson reported his coat as stolen, describing it as a 'Blue pilot jacket very fine cloth 2 pockets at the inside and 2 on the outside 3 spots of grease on the left arm'.<sup>91</sup>

These examples demonstrate an intimate familiarity with personal possessions, yet some reports suggest more than just an attachment to an object, even prior preparation to describe it. In cases of watch theft, about half the reports contained the number of the watch: thus Jacob Haigh described his as 'an old silver verge watch makers name H.N. Goodman London. Number 8081. Marked on the back of the inside case H.H. attached a steel chain two common Keys a foreign coin & a sea shell.'<sup>92</sup> Most of these details are explained by Haigh's personal familiarity with the watch – but what about the number? In the age of the credit card 'P.I.N.', recalling four random digits is a part of daily life, yet people had an utterly different relation to numbers in the Victorian period, especially lower down the social scale; while Haigh's occupation is not recorded, the modest valuation he placed on the watch (10s.) suggests he may have been a man of fairly ordinary means.<sup>93</sup> Others at least made an effort to recall these numbers. Joseph Slater, whose watch was lost or stolen while he lay drunkenly in the road, pondered: 'the number...is either 26738 or

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<sup>90</sup> B.O.B., 28/2/70.

<sup>91</sup> H.O.B., 4/10/83.

<sup>92</sup> B.O.B., 17/3/70. 12 of the 25 reports of watch theft disclosed the number: Leeds Police occurrence books.

<sup>93</sup> Although popular numeracy had clearly advanced considerably since the early eighteenth century: see Keith Thomas, 'Numeracy in Early Modern England', *Transactions of the Royal Historical Society*, fifth series, 37 (1987), pp.122-27.

26788'.<sup>94</sup> Watches were substantial and personal things, and knowing the number may have been part of the pleasure of owning one. Yet there is an alternative explanation: it is possible – though no more than that – that some committed numbers to memory in case it should go missing. Of all distinguishing features, unique numbers were clearly the most efficient means of tracing these valuable items, and so it is not unreasonable to suggest that memorising such details was motivated in part by a desire to secure its return in the event of loss.

Other victims almost certainly took notes on their property, allowing fuller description to the police. Shopkeepers' records of stock were helpful in this regard. It seems unlikely that Elizabeth Wood, a Beeston retailer, would otherwise have been able to recall the sizes, types and styles of the 24 pairs of boots (and two loose ones) stolen in 1872.<sup>95</sup> Some others recalled the numbers of lost or stolen banknotes with such precision as to suggest a written record. Several such cases occurred at Newmarket in Cambridgeshire, where not all the money was lost to bookmakers. Thomas Ball was robbed on the rails of the racecourse of £270 in notes, which the police recorded as follows:

No of Notes  
Five of £20 each  
56734 = 5-6-7-8  
Date 22/4/80  
Ten of £10 each  
28347 to 56  
20/4/80  
Twenty of £5 each  
128 to 47  
19/3/80<sup>96</sup>

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<sup>94</sup> B.O.B., 31/5/71.

<sup>95</sup> B.O.B., 14/9/72.

<sup>96</sup> Cambridgeshire Archives, 22/88: Newmarket Heath Occurrence Book, 14/10/80.

Whatever Ball's memory, these details must have been provided with the aid of some kind of receipt which, according to the dates of the notes, he might have kept for over six months. Being in possession of such a large sum of money, and given the ease of identifying bank notes by their numbers, it made sense for the likes of Ball to keep such records in case of loss.

As well as reporting missing property, victims of crime might offer the police some description of the perpetrators. This happened in a minority of cases: only about 13 per cent of surviving reports include any details of suspects.<sup>97</sup> Just as the victim's capacity to describe stolen property depended upon the type of property missing, so their ability to offer descriptions of offenders was sharply circumscribed by the type of offence.<sup>98</sup> Broadly speaking, there was a distinction between 'personal' and 'impersonal' crimes. Thus, all seven victims of obtaining property by false pretences were able to describe the perpetrator, as they had invariably interacted with them in being deceived.<sup>99</sup> For similar reasons, there were very high rates of suspect description in cases of indecent assault and robbery. Most crimes recorded in the occurrence books, however, were not of this type: victims of common property offences were thus far less likely to recognise a suspect.

Beyond these bald numbers, the quality of suspect descriptions fell broadly into two categories. A brief physical profile was most common, often rather sketchy: Mr Cooper, awoken one night to find a man in his house, 'saw a person runaway [sic] from the back door, a Short person in a light coloured Suit'.<sup>100</sup> Others, who had a much fuller exposure to the suspect, went into more detail. John Fletcher, while taking the omnibus from Roundhay

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<sup>97</sup> 67 victims gave some report of suspects, whereas 446 did not. These 'victims' include those reporting cases of 'missing' property – two of which gave some account of suspects – while excluding those reporting property they had 'lost' (Leeds Police occurrence books).

<sup>98</sup> Leeds Police occurrence books.

<sup>99</sup> Categorising offences is a matter of subjective judgement, and so these labels should be treated with care.

<sup>100</sup> H.O.B., 16/7/76.

Park, got talking to an old man, who at length made an attempt to steal his watch: he was 'about 60 years of age 5 feet 9 in. high, Stout build ruddy complexion, brown hair, whiskers & moustache dressed in a dark mixture Suit with gold plated or brass buttons on Vest, and silk hat, wore a very thick gold or brass Albert guard, long link pattern, he was very talkative and during his Conversation spoke of having been in India'.<sup>101</sup> The quality of these accounts varied enormously, and it is difficult to see what factors were at play, save the circumstances of each individual experience. Even small children were able to give quite full descriptions of suspects on occasion. While walking through Headingley one morning in 1873, eight-year old John Henry Thackrah had 12s.6d. taken from him by a man in the street, whom he described as 'about 45. or 50. years of age, 5 feet 8. or 9. inches high, grey whiskers, dress long dark coat, dark trousers, and Black Billy Cock hat.'<sup>102</sup> Considerable prompting from the station clerk may have helped in such instances, yet one way or the other, the police and public were able on occasion to establish good working profiles of suspects.

Some victims who were not present to witness an offence nonetheless offered their opinion as to who was behind it. Servants and lodgers who absented themselves about the time of a theft were often identified. When John Mitchell, a gardener from Headingley, missed some clothes and a little money from his house, he reported them stolen 'by a lodger who gave his name Felgate of London'.<sup>103</sup> Those who knew the suspects well were able to help the police further: William Cooper, who accused his servant of stealing a cash box, reported that she was originally from Sheffield, opening up a potential line of

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<sup>101</sup> B.O.B., 6/4/84 (C Division).

<sup>102</sup> H.O.B., 1/7/73.

<sup>103</sup> H.O.B., 4/6/74.

enquiry.<sup>104</sup> On occasion, known offenders or even whole classes of ‘deviant’ people were the object of suspicion. William Brook’s daughter, aged seven, was indecently assaulted in 1884; according to the police report, Brook suspected ‘a man named Dunderdale. Who [sic] was Imprisoned for a similar Offence about 3 years ago’.<sup>105</sup> Conversely, when Meanwood farmer Charles Vickers reported his horse missing in 1869, the police noted: ‘[t]here were some Gipseys [sic] encamped in the neighbourhood last night, and Mr Vickers Suspects they have Stolen her’. On this occasion, Vickers’s instincts failed him: ‘[t]he above Filley [sic] was found in Leeds this evening by Mr Vickers, she had strayed away’.<sup>106</sup>

One cannot assess from this evidence – or, most likely, from any other – the significance of victims’ reports in police detection. The occurrence books very rarely indicate the resolution of cases, and never whether missing items remained ‘outstanding’. There are, though, reasons to suppose that swift and detailed notification increased the likelihood of successful detection. Firstly, the identification of stolen property was often necessary to secure a conviction for theft (see below, chapter six). Secondly, if the reports were of little use to detectives, why did successive chief constables remind their men to take detailed records? Finally, despite dramatic technological advances in criminal investigation over the twentieth century, the quality of the victim’s report remains today one of the most influential factors in successful detection.<sup>107</sup> Reporting crimes to the police was therefore an important part of the criminal justice process; given such wide variations in the quality of these reports, the victim’s role in criminal investigation must not be taken for granted.

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<sup>104</sup> H.O.B., 21/6/81.

<sup>105</sup> B.O.B., 25/3/84 (D Division). Further on this theme, see Conley, *Unwritten Law*, p.119.

<sup>106</sup> H.O.B., 17/10/69.

<sup>107</sup> Reiner, *Politics of the Police*, pp.152-55.

### *The Trade in Goods and Police Detection*

A perennial problem for thieves is how to convert goods into cash. In the nineteenth century, some petty offenders doubtless kept their plunder, averting an exchange, while a minority of 'serious' criminals relied upon a specialist receiver. Yet many thieves fell between these two poles, and had to find a buyer for their acquisitions. An obvious and frequent tactic was to offer stolen goods to shopkeepers – especially pawnbrokers – yet this risked dealers becoming suspicious and informing the police.<sup>108</sup> In fact, what follows shows that traders were impressively vigilant for stolen property, and proved so effective in passing information to the authorities – and even detaining the suspects themselves – that the police over time established an increasingly close and formal relationship with them.

Stories of shopkeepers detecting crimes and apprehending suspects featured regularly in the Leeds press. In 1836 Mr Cuttell, a skinner, refused to buy a sheep skin from Thomas Fenteman, suspecting it was stolen. Eventually, news of the proposition made its way to the divisional constable, who established its owner and arrested Fenteman.<sup>109</sup> Most cases which found their way into the newspapers, however, featured retailers in a rather more impressive role. Some informed the police directly, and arranged to lure the suspect into a trap. Alexander Forsythe suspected in 1855 that two iron chains he was offered by Thomas Robertshaw had been stolen; he asked Robertshaw to call again later, while in the meantime fetching a constable, who apprehended the suspect upon his return.<sup>110</sup> On occasion, the response of retailers was almost heroic. Shopkeeper Thomas Wilkinson

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<sup>108</sup> Melanie Tebbutt concurs that pawnbrokers were primarily the resort of opportunistic rather than professional thieves: *Making Ends Meet*, pp.96-97.

<sup>109</sup> L.T., 23/1/36, no page.

<sup>110</sup> L.T., 19/5/55, p.5.

became suspicious in 1845 when two men offered him some cloth; suspecting it stolen, he locked the men in his shop and went to fetch a policeman. On returning, however, he found the men's associates had arrived, and were attempting to destroy the article. Wilkinson prevented them from doing so, and attempted to detain the newcomers while the policeman left to obtain further assistance. In the end, two of the three men arrested were committed to stand trial at borough sessions.<sup>111</sup> As pawnbrokers were required to surrender suspected stolen property to the authorities, many doubtless considered their own interest before assisting the police;<sup>112</sup> yet in this context it is doubly impressive that they played such a visible role in criminal investigation.

As the century wore on, the new police progressively integrated shopkeepers – and pawnbrokers in particular – into the detective process. By the 1870s, policemen were instructed to dispense reports of stolen property promptly to pawnbrokers and others (see above, p.66). In fact, such communication between policemen and retailers had probably been going on at a less formal level for some time.<sup>113</sup> As early as 1845, a book stall keeper named Husthwaite recognised some account books he was offered as stolen, based on information he had received from the police.<sup>114</sup> By the time notifications were put on a more organised footing, pawnbrokers perhaps identified stolen goods with greater frequency. In 1885, the manager at an Ainsley Street pawnbroker's shop noticed that a watch offered for pledge had previously been advertised as stolen. The *Leeds Times* used

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<sup>111</sup> L.T., 1/2/45, p.5.

<sup>112</sup> Tebbutt, *Making Ends Meet*, p.97.

<sup>113</sup> And note that even formal agreements between police officials and pawnbrokers in London dated back at least to the 1750s: Rosalind Crone, 'What Readers Want: Criminal Intelligence and the Fortunes of the Metropolitan Press during the Long Eighteenth Century' in Katie Halsey and W.R. Owens (eds), *The History of Reading, Volume 2: Evidence from the British Isles, c.1750-1950*, Basingstoke: Palgrave Macmillan, 2011, pp.110-11.

<sup>114</sup> L.T., 19/7/45, p.3.



this case to highlight the centrality of second-hand dealers to criminal investigation, heading the report: 'HOW PAWNBROKERS MAY AND DO ASSIST THE POLICE'.<sup>115</sup>

This last quotation further raises the role of the press in crime control. Just as newspapers did their best to encourage householders and others to safeguard their valuables, so by the late nineteenth century they publicised the efforts of retailers to detect stolen goods. Following a larceny case in 1881, the *Leeds Daily News* reported that the court allowed a pawnbroker witness a further five shillings (in addition to the usual allowance), 'for the promptness and good sense he showed in taking the steps which led to the discovery of the prisoners.'<sup>116</sup> One pawnbroker who attracted regular praise was Thomas Middleton, who kept a large establishment on Lady Lane. In 1882, he was awarded an extra 2s.6d. for handing a coat thief over to the police, prompting Mr Bruce (the stipendiary magistrate) to add that 'he wished all pawnbrokers would act as he had.'<sup>117</sup> As pawnbrokers are currently most visible in crime history as receivers of stolen property,<sup>118</sup> these stories provide a valuable counterbalance; these traders were by no means a uniform group,<sup>119</sup> and plenty were clearly active in law-enforcement rather than law-breaking. As far as the magistrates were concerned, a little extra recompense was worth sustaining the loyal support of shopkeepers, while the press for their part elevated particular proprietors above the rather dubious reputation of the trade in second-hand goods.

The new police established close connections with pawnbrokers nationwide. Various witnesses before the 1862 Select Committee on Prosecution Expenses feared that capping payments would deter pawnbrokers from volunteering information about stolen

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<sup>115</sup> L.T., 9/5/85, p.3.

<sup>116</sup> L.D.N., 30/3/81, no page.

<sup>117</sup> L.D.N., 11/1/82, no page. For further special payments to Middleton, see L.D.N., 3/1/82, no page; L.T., 28/2/85, p.5.

<sup>118</sup> See Philips, *Crime and Authority*, pp.220-22; George Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England*, Oxford: Clarendon Press, 1985, pp.92-94.

<sup>119</sup> See Tebbutt, *Making Ends Meet*, pp.4-6.

property, for fear of attending court and finishing up out of pocket.<sup>120</sup> The Chief Constable of Cheshire, one of the few witnesses satisfied with the present scale of allowances, still stressed the need to encourage autonomous shopkeeper activity in the detective process: 'if any increase of payment to ordinary witnesses, beyond the present rate, should be decided, I beg to suggest that the case of pawnbrokers may be liberally considered, inasmuch as they form a class, whose evidence, most valuable, oftentimes entails on them an actual loss of property.'<sup>121</sup>

Of course, there remained considerable suspicion between pawnbrokers and the police. Howard Vincent (head of CID) complained to the Select Committee on the Stolen Goods Bill in 1881 that he encountered acute difficulties in examining pawnbrokers' books, while dealers themselves complained of excessive police surveillance and intrusion.<sup>122</sup> Nevertheless, the extent of co-operation between both parties was impressive. Having viewed police reports in Leeds, auctioneer John Hepper asserted that, 'where thefts have been discovered they have mainly been discovered by the pawnbrokers themselves. They have been the chief instruments in the matter'.<sup>123</sup> According to returns presented by Alfred Hardaker (Liverpool pawnbroker and former secretary of their National Association), 1,887 police court cases arose relating to known pledges nationwide in 1880, of which pawnbrokers themselves detained some 456 suspects, and informed the police of a further 730; thus, '62 per cent. of...cases were detected entirely by the vigilance of the pawnbrokers or their assistants.'<sup>124</sup> The precise accuracy of Hardaker's returns is something

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<sup>120</sup> PP, 'Report from the Select Committee on Prosecution Expenses' (1862), pp.14, 48-49, 57. Further on this Committee see below, chapter six.

<sup>121</sup> 'Select Committee on Prosecution Expenses', p.64.

<sup>122</sup> PP, 'Report from the Select Committee of the House of Lords on the Stolen Goods Bill' (1881), pp.23-26, 58, 87, 115; see also Tebbutt, *Making Ends Meet*, pp.95-98.

<sup>123</sup> 'Select Committee of the House of Lords on the Stolen Goods Bill', p.135.

<sup>124</sup> 'Select Committee of the House of Lords on the Stolen Goods Bill', p.75.

of a moot point; what is clear enough, in Leeds and elsewhere, is that pawnbrokers played a substantial role in the detection of property crime.

### *Civilians Tracing Property*

By the late nineteenth century, the police superintended a fairly sophisticated system for tracing stolen property. By circulating victims' descriptions of missing items to local dealers and neighbouring police forces, they disrupted the flow of stolen goods into legitimate markets, identifying offenders in the process. This network, however, pre-dated the new police: it was the means by which victims themselves were used to tracing their own property by the 1830s. Over time, the police progressively colonised this detective circuit, and subjected it to increasingly rigorous, bureaucratic management. In spite of this, and the continual expansion of the urban environment, autonomous efforts by victims to trace stolen property persisted throughout much of this period, bypassing and supplementing 'official' police investigations.

Some victims of crime happened to recover their possessions almost by accident. Joseph Sheard did not realise that his child's carriage had been stolen in 1835 until he saw it exposed for sale outside a shop. From that point on, however, he took steps to catch the offender; he bought the item back and notified the shopkeeper, who later apprehended the perpetrator.<sup>125</sup> Two years later, George Gill similarly discovered a theft had been committed against him only when he noticed John Moxon, whom he had given some material to make up a pair of shoes, offering it for sale in the Central Market. After making

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<sup>125</sup> L.T., 21/2/35, no page.

further enquiries, Gill secured the remainder of the property, which Moxon had deposited at a beer house.<sup>126</sup> Of course, these victims were at an inestimable advantage over policemen; being personally familiar with the articles exposed for sale, they were able to identify them as stolen.

For others, prompt response to the loss of property was sufficient to retrieve it. In 1882, blacksmith William Kirby left his coat and tobacco pouch next to a cabin in the Great Northern Railway Station, returning later to find it missing. Shortly afterwards, however, he came across a lad carrying a bag down Wellington Road. Exactly what aroused Kirby's suspicion is unclear, but upon searching the bag he found both coat and pouch.<sup>127</sup> A similar case occurred a few years later, when Mr Farnhill's bicycle was stolen from Roundhay Park; after walking a mile and a half down the track, Farnhill eventually found it abandoned.<sup>128</sup> On occasion, bystanders and others assisted victims in search of their possessions. In 1837, David Kirby set down his bundle (containing 28 pounds of beef) on arrival at the Horse and Jockey pub, yet after some time it had disappeared. Thankfully, 'some of the company' promptly informed Kirkby that one James Philips had taken it; he set off the following morning to Philips's house, where his wife eventually surrendered the meat.<sup>129</sup> In certain circumstances then, victims were able to recover their belongings after a rudimentary search, or with the help of local people.

Any significant lapse of time posed considerable obstacles to locating missing items, which some victims were nonetheless determined to surmount. In such 'cold' searches, pawnshops provided an obvious starting point. One often cannot tell from individual newspaper reports whether the victim visited second-hand traders in search of

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<sup>126</sup> L.T., 27/5/37, p.4.

<sup>127</sup> L.D.N., 12/4/82, no page.

<sup>128</sup> L.T., 1/8/85, p.5.

<sup>129</sup> L.T., 23/12/37, p.4. For a very similar occurrence, see L.T., 22/1/42, p.5.

their goods, yet the regularity of such reports suggests that many were indeed tracing particular items. One night in 1836, James Barry literally had his hat stolen from his head in Church Street by William Cable, yet he eventually recovered it at John Newton's old clothes shop.<sup>130</sup> In some instances, newspaper accounts give further details of victims' searches. A couple of weeks later, a silk gown was stolen from Richard Spink's house one Sunday evening. The next morning, Mrs Spink set out first thing to visit the pawnbrokers, informing them of her loss. Thus, when John Haigh came to pawn the dress at Mr Higham's shop, the trader became suspicious; he sent for Mrs Spink, who identified the item, and Haigh was given into police custody.<sup>131</sup>

The introduction of the new police did not prevent some victims from making their own efforts to track down stolen goods. In 1855, an elderly John Oxley was called into his house while showing Matthew Wigglesworth a horse he had for sale, and on returning found that both Wigglesworth and the animal had disappeared. Oxley, however, made his own enquiries, and discovered that Wigglesworth had sold the horse to Mr Littlewood, who in turn had sold it on; he therefore applied for a warrant against Wigglesworth, leading to his arrest.<sup>132</sup> When the suspects were unknown, pawnbrokers and second-hand dealers remained the usual first resort of victims – whether individuals or businesses – seeking out their property by mid-century.<sup>133</sup> That same year, Mr Wilson of the flax spinning firm of Wilson and Green, which had for some time been missing sizeable quantities of textiles, heard that certain warps were being sold very cheaply in the town. He hence visited the shop of rope-maker Benjamin Armistead, where he identified several warps originating from his firm which had never been sold. At length, Armistead was convicted for receiving

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<sup>130</sup> L.T., 9/1/36, no page.

<sup>131</sup> L.T., 23/1/36, no page.

<sup>132</sup> L.T., 20/1/55, p.5.

<sup>133</sup> See for example L.T., 3/3/55, p.5, 12/5/55, p.3.

as much as 400 pounds of stolen tow warps.<sup>134</sup> Occasionally, victims might exploit more specialist knowledge in tracing their possessions. Charles Newcomb Baker stated before a parliamentary select committee in 1844 that he knew the location of at least 'six or eight' depots for stolen dogs in the metropolis, and that he had purposely visited these places to enquire after his own dogs.<sup>135</sup> As a game dealer, Baker perhaps had a privileged insight into the illicit trade in animals; yet one should not discount the possibility that other networks of receivers were known to ordinary people engaged in particular trades, or resident in the local area.<sup>136</sup>

Whether some victims were more willing or better able to trace stolen property than others remains something of a mystery. Those who lost more distinctive items were, of course, more likely to meet with success; it was one thing to lay eyes on a coat exposed for sale, but quite another to be confident that it was one's own. For this reason, retailers who routinely marked up their wares were well placed to identify any goods which went missing. Furthermore, the very individuality of certain articles helped owners to track them down. In 1845, for instance, Mr Paley identified a pair of shoes exposed for sale in Lowerhead Row as the same ones missing from his Briggate shop. According to the *Leeds Times*, 'it was to their very idiosyncrasy of character and physiognomy, that the owner was indebted for their recovery.'<sup>137</sup>

It is impossible in the vast majority of cases to recover what relation these autonomous detective initiatives bore to police investigations. Most victims who actively sought out their goods probably also made a report to the police. Having been robbed of his watch in 1855, Joseph Drake apparently gave information to the police the next day, while

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<sup>134</sup> L.T., 7/7/55, p.5.

<sup>135</sup> PP, 'Report from the Select Committee on Dog Stealing (Metropolis)' (1844), p.38.

<sup>136</sup> Baker had apparently 'very seldom' traded in dogs: 'Select Committee on Dog Stealing', p.38.

<sup>137</sup> L.T., 4/1/45, p.3.

also informing the pawnbrokers of his loss.<sup>138</sup> There were not, then, two alternative modes of property-oriented detection in this period, one operated by the police with the assistance of civilians, and the other independently by victims; both avenues were accessible to individuals, and there was no inconsistency in deploying both in parallel. Rather, the police strategy of using second-hand dealers to trace stolen property was itself based on existing, informal methods of criminal investigation practised by victims of crime. By enhancing the circulation of information regarding stolen property from the 1860s, the police probably took charge of an increasing proportion of detective enquiries, yet this signalled only a more elaborate, systematic manifestation of an arrangement with a much longer history.

### **Newspaper Intelligence and Criminal Investigation**

We saw in the previous chapter that the press played a key role in nineteenth-century crime control. Through their reports of mundane criminal encounters, newspapers continually reminded readers of common criminal dangers in the Victorian city, while advising householders and pedestrians how to minimise the risk of becoming victims themselves. What follows reveals that journalists were also key participants in the process of criminal investigation. By publicising articles of stolen property and suspected thieves, they took an active part in ensuring that crimes were discovered and criminals caught.

Through the provision of advertising space, the press provided opportunities for ordinary people to trace their possessions. Advertising rewards for the recovery of stolen property was an established detective practice in eighteenth-century England, especially in

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<sup>138</sup> L.T., 21/7/55, p.3.

response to horse theft, where offenders were highly mobile.<sup>139</sup> Such notices were less common by the early nineteenth century, yet they remained a familiar resort for victims of theft.<sup>140</sup> Furthermore, advertisements were not confined to items known to be stolen, but also included those deemed to be 'missing' or 'lost'. It would be rash, though, to treat advertisements for 'lost' and 'stolen' property in strict separation.<sup>141</sup> Firstly, identifying missing property as 'stolen' or 'lost' was a matter of interpretation, subject to the availability of information concerning the loss, as well as the peculiar dispositions of individuals; even the 'official' categorisation of losses at police stations was the result of negotiation (and sometimes conflict) between policemen and complainants.<sup>142</sup> More important, for present purposes, is the realisation that the precise language deployed in newspaper notices reflected the advertisers' perceptions of what was expected of them. Giving evidence before the 1844 Select Committee on Dog Stealing in London, Richard Mayne (Commissioner of the Metropolitan Police) had 'no doubt' that a great many animals advertised as 'lost' were in fact stolen.<sup>143</sup> Labelling stolen property as 'lost' may have been even more common in advertisements of other animals; the peculiar legal status of dogs permitted owners to advertise a reward simply for the return of a stolen creature, yet in cases of horse theft it was illegal to seek to recover the goods with 'no questions asked'.<sup>144</sup> Anyone desirous of finding a stolen horse yet reluctant to institute criminal proceedings would therefore have found it more convenient to advertise the animal as 'lost'

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<sup>139</sup> Styles, 'Print and Policing', pp.73-75.

<sup>140</sup> While I have not tried to quantify crime advertising in the early nineteenth century, its incidence had clearly diminished since 1784, in which year Styles found 77 advertisements in total in the *Leeds Mercury* and *Leeds Intelligencer*: Styles, 'Print and Policing', p.59. The extent to which this resulted from the formation of rival newspapers – both in Leeds itself and Yorkshire at large – is unknown.

<sup>141</sup> In addition to what follows see Styles, 'Print and Policing', p.96; Crone, 'Criminal Intelligences', pp.109, 115-16.

<sup>142</sup> Leeds Police occurrence books, *passim*.

<sup>143</sup> 'Select Committee on Dog Stealing', p.1.

<sup>144</sup> 'Select Committee on Dog Stealing', p.6; Styles, 'Print and Policing', p.96. Further on the legal position of dogs, see Stone, *Justices' Pocket Manual*, p.221.



rather than 'stolen'. Indeed, magistrate John Hardwick advised the Committee that this would be the likely result of any attempt to prohibit offering simple rewards for the restoration of stolen dogs.<sup>145</sup> It is therefore inadvisable to draw too sharp a distinction between advertisements concerning 'lost' and 'stolen' property in this period.

According to John Styles, advertisements for missing property had all but disappeared by the later nineteenth century, reflecting diminishing public engagement in policing more broadly.<sup>146</sup> While this was certainly true of traditional newspapers like the *Leeds Mercury*, it did not apply to the new dailies which flourished in the late nineteenth century: the *Leeds Daily News* gave renewed publicity to cases of lost and stolen property by the 1880s. There were twenty such notices in March 1882 concerning ten separate pieces of property, mostly dogs and jewellery, with a reward offered in each case. While one cannot be sure, this journal probably also opened advertising space to a broader section of society. While the occupational status of advertisers was usually suppressed, some labouring people did place insertions, including Robert Best, chimney sweep, who publicised the theft of his poodle in 1882.<sup>147</sup> Furthermore, the journal charged only sixpence for a three-line insertion by this time;<sup>148</sup> given the brevity of most notices, few would have cost victims much more than this relatively modest sum. The dailies also offered the added advantage of releasing advertisements within a short space of time, extending the promise of a speedy detective response. There was, then, no clear decline in the practice of advertising stolen property in the nineteenth century; instead, stagnation through the early part of the century was followed by a renaissance in the daily press by the 1880s.

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<sup>145</sup> 'Select Committee on Dog Stealing', p.12.

<sup>146</sup> Styles, 'Print and Policing', pp.89-94.

<sup>147</sup> L.D.N., 26/1/82, no page.

<sup>148</sup> L.D.N., 30/1/82, no page.

As well as publishing adverts concerning stolen property, newspapers inserted reward notices in their regular crime reports. These rewards, which were offered for information leading to the conviction of offenders, could also serve as a response to crimes in which no property was taken. In 1835, for example, a reward was offered by two men for information relating to the maiming of some horses.<sup>149</sup> It also suited those for whom the conviction of offenders was of higher priority than the recovery of property: perhaps the violence experienced by Aberford butcher Joseph Scriven, when he was robbed in 1836, made his just such a case.<sup>150</sup> But these rewards were also commonly issued in place of an incentive for the return of stolen goods. Instead of advertising a reward for the recovery of his sheep, Mr Charlesworth of Lofthouse Hall instead offered a twenty guinea prize for information leading to the thieves' conviction.<sup>151</sup>

It is striking that newspapers publicised such rewards, seemingly free of charge, while victims in similar cases actually paid for an advertisement concerning their property in the first two pages of the newspaper. Perhaps some crimes, especially those featuring considerable violence, were sufficiently shocking to compel the editor to assist in tracing the offenders. In 1835, Mr Richardson was gagged and robbed by four men while travelling on the road to Horsforth one night. The attack was clearly very serious, as the *Leeds Times* explained: '[t]he stopping of the mouth and nostrils was so complete...that death would have infallibly ensued, had it been continued much longer.' No surprise then that the newspaper noted Richardson's massive fifty guinea reward for the prosecution of the men, and even went on to add, with 'the view of assisting in the discovery of the thieves...that

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<sup>149</sup> L.T., 2/5/35, no page.

<sup>150</sup> L.T., 26/3/36, no page.

<sup>151</sup> L.T., 16/1/36, no page.

the watch was silver, the makers' name Bouteville and Norton, London, No. 2487.'<sup>152</sup> In such severe cases, where the sums on offer were so large, it is easy to appreciate why newspapers published reward notices without the insertion of an actual advertisement; in more mundane cases, though, this practice requires further explanation. Of course, however modest, rewards added interest to otherwise fairly ordinary stories of petty theft, and thus enlivened the local news reportage. Yet there was also a fundamental distinction between these rewards and those discussed above. Editors were prepared to insert inducements for the conviction of thieves as a matter of *public duty*, as part of a broader determination to bring to justice those breaking the law. On the other hand, recovering of stolen property – theoretically separate from identifying, apprehending and prosecuting criminals – was considered a *private matter*, to be brought to public notice only for a fee.

A more careful analysis reveals how this determination to aid the detection of crime shaped local crime reportage. In reporting the burglary of Mrs Nicholson's house in 1835, the *Leeds Times* recorded the stolen property in minute detail: 'a silver watch, No. 64,579, maker's name, Winking, London, a silver pint, marked J.S.N.; a silver cream jug, marked ditto; four silver table spoons, do.; one dozen silver tea spoons, do.; five other tea spoons; sugar tongs, salts, and candy spoons.'<sup>153</sup> There was plainly no need to produce such a full inventory of the burglar's hoard, and such an avalanche of detail hardly added to the literary effect of the piece. The intention must have been to publicise the distinguishing features of Mrs Nicholson's goods to shopkeepers and others, to impede their circulation and ultimately identify the criminals responsible. While the detail offered in this case was certainly unusual, there were numerous examples of similar practices in the first half of the century. Twenty years later, in reporting an instance of pocket picking at the Leeds fair, the

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<sup>152</sup> L.T., 3/1/35, no page.

<sup>153</sup> L.T., 21/3/35, no page.

newspaper informed its readers that the number of the watch stolen in this case was either 7788 or 8877.<sup>154</sup> Whether such descriptions were included at the behest of the police authorities – or perhaps of victims themselves – one cannot tell. In any case, they further demonstrate the importance of nineteenth-century newspapers in disseminating intelligence about unsolved crimes, with a view to bringing offenders to justice.

Following the formation of the new police, these characteristics of crime reporting slowly began to recede. While such implicit appeals to the public remained common in the 1830s, they were becoming rarer by mid-century. However, just as the public remained active in the detection of crime long after the arrival of the new police, so the press – a key line of communication between police and public – remained central to criminal investigation. Parallel to the decline in appeals to the public to trace and identify stolen property, there was a converse increase in newspaper efforts to trace the owners of stolen property which came into police hands.<sup>155</sup> This form of crime reporting even pre-dated the new police: in 1835, the *Leeds Times* divulged that the police had seized a considerable quantity of stolen carpet: '[t]he stair carpeting, which appears to have been recently cut into small pieces, seems originally to have formed one large carpet, and measures, all together, near twenty yards. Another small room carpet is three yards square and trimmed with blue; and another something less, trimmed with green; each having grey cloth covers to match.'<sup>156</sup> Such thorough descriptions were provided to prompt readers who might recognise the goods.

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<sup>154</sup> L.T., 14/7/55, p.5.

<sup>155</sup> This form of crime reporting was perhaps the successor to oral announcements of stolen property promulgated by the 'old' night watch: see Matt Neale, 'Geographies of Crime and Policing in Eighteenth-Century Bristol' (unpublished paper presented at the International Centre for the History of Crime, Policing and Justice 'Work in Progress' day, 13/7/12, at the Open University).

<sup>156</sup> L.T., 5/9/35, no page. For another example, see the list of 'PROPERTY SUPPOSED TO BE STOLEN' held at the police office: L.T., 7/11/35, no page.

As prosecutions for larceny often required a victim to identify the goods as their own (see below, chapter six), newspapers played a further important role in enticing such witnesses to come forward. In 1837, for instance, Chief Constable Heywood discovered an extensive hoard of stolen property in a beer house near Selby. In order to facilitate criminal proceedings, the *Leeds Times* proclaimed that the property was now in Heywood's possession, available for inspection by members of the public.<sup>157</sup> If anything, the role of the press in connecting anonymous victims with particular articles of stolen property increased over time. The heading 'WHO OWNS THE "BUNNY"?' drew attention to the arrest of two hawkers in 1885 on suspicion of stealing two rabbits, while the very same issue of the *Leeds Times* further enquired 'HAS ANYONE LOST A SILVER TANKARD?', relating to a separate case of a man held on suspicion.<sup>158</sup> Additional details were sometimes supplied to alert readers to the possibility of their having been victimised. Having observed two men picking pockets amongst crowds of tram and bus passengers in Briggate in 1890, Detective Lincoln moved in to arrest them, but not before one of them discarded a purse. Hoping to attract a complaint from its readership, the *Leeds Daily News* announced: '[a]n owner is wanted for the purse, which it is supposed, was taken from someone entering a Beeston Hill or Hunslet bus.'<sup>159</sup> There was, then, no simple decline in the role of the press in detecting crime from the early nineteenth century.

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<sup>157</sup> L.T., 18/2/37, p.4.

<sup>158</sup> L.T., 12/2/85, p.3.

<sup>159</sup> L.D.N., 6/1/90, no page.

## Conclusion

There is no doubt that, over the course of the nineteenth century, the police assumed increasing control over crime on the streets. The progressive expansion of manpower, and the gradual evolution of a more stable and experienced force, enlarged the police presence in the public spaces of the Victorian city. Furthermore, the accumulation of intelligence on known criminals and improvements in publicising stolen property boosted the detective efficiency of the force from the 1860s. Amidst these developments, victims of crime could rely increasingly upon the state to catch criminals. For generations before 1815, self-policing was forced upon the civilian public by necessity; with the formation of the night watch and later the new police, the inevitability of this burden was progressively eroded.

However, as this chapter has shown, the apprehension of thieves and detection of offences were both marked by considerable civilian activity and initiative throughout this period. Indeed, in certain respects, police strategies were built upon public participation. This is most clearly the case in criminal investigation, where the promise of individualising detective technologies was limited by the fact that most criminals were not hardened offenders. The police thus remained reliant upon victims for information regarding stolen property, upon the city's shopkeepers for disrupting the trade in stolen goods, and finally upon the press for notifying victims of their losses and encouraging them to engage with the authorities. The steady police colonisation of property-based systems of detection may have left little incentive for victims to make independent enquiries (although some still did just that), yet this aspect of state crime control only functioned thanks to considerable civilian participation and initiative.

The extension of the police, though, also had its limits. If the street criminal increasingly became the prey of the uniformed constable early in the nineteenth century, burglars, shop-breakers and workplace thieves all had to overcome the vigilance of householders, neighbours, employers, colleagues and passers-by in the first instance. Yet even on the street, this chapter has uncovered numerous chinks in the police armour. Constables could not be in all places at once, and in scores of individual cases, victims were rudely forced to rely upon their own resources to resist, pursue and apprehend offenders. Police time was also at a premium, and several cases of autonomous civilian activity in catching repeat criminals probably owed to the inability of the force to spare yet another man to watch particular premises. In these circumstances, victims and bystanders were often impressive in responding to crime. The growth of the police establishment did not produce an abject reliance upon the authorities to handle common criminal encounters; ordinary people, in various walks of life, retained the capacity to confront common criminal threats in their everyday lives.

Crucially, all this independent activity further opened up the potential for people to control the *resolution* of their own criminal encounters. The vast majority of cases examined in this chapter reached the historical record because they found their conclusion in the courts. Yet this was not the only possibility: for those victims who traced and confronted criminals themselves, without involving the police, a whole world of possibilities presented itself beyond recourse to the authorities. These possibilities of conflict resolution – the use of the criminal law and its circumvention – form the subject of the following chapter.

## **Chapter Six: Victims and Prosecutors**

The analysis thus far has been essentially situational, exploring the efforts of ordinary people to prevent crime, trace stolen property and apprehend offenders. It has revealed considerable civilian activity, yet without really probing the extent of civilian *control*. Criminal encounters did not present victims with objective problems to be solved, but with decisions to be made and relationships to be negotiated. Dealing with crime was as much a matter of personal interaction as a practical undertaking. An absolutely central question was whether to involve the authorities in the resolution of criminal encounters. Collectively, individual responses to this conundrum had the power to fulfil or sabotage the expansive dreams of police reformers. Any historical account of ‘policing’ is therefore deficient unless it explores how – and by whom – the criminal law was actually put to use.<sup>1</sup> This chapter turns squarely to that problem: who controlled engagement with the criminal law in the Victorian city, and how did they exercise that power?

What follows explores the ways in which victims sought to resolve criminal encounters in this period. The evolution of the prosecutorial system first requires attention; despite numerous reforms designed to broaden access to the law, there remained many contexts in which prosecution was expensive, inconvenient or uncomfortable. Alongside the formal criminal justice process, however, there was a collection of alternative means of settling criminal matters in this period; some lost their earlier salience as the urban environment expanded, or as reforms in the criminal justice process closed off existing avenues of negotiation between victim and offender. Others, however, continued to flourish, as a stubborn proportion of victims refused to hand over their disputes to the

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<sup>1</sup> Hay and Snyder, ‘Using the Criminal Law’, p.8.



courts. The chief threat to victims' discretion was the growth of the police establishment, which from the 1830s consistently challenged the legitimacy of negotiated settlements with the primacy of the criminal law. Police control over the resolution of criminal encounters, however, remained incomplete. Indeed, through their determination to settle privately with offenders, a substantial body of victims held in check the state's claims to monopolistic control over crime throughout the nineteenth century.

### **Prosecution: Private, Public or Police?**

Although the prosecution process was central to the administration of criminal justice, there have been rather few studies of it in the nineteenth century. This contrasts with scholarship on the eighteenth century which, in the absence of the new police forces, traditionally concentrated upon the victim's decision to prosecute as the central plank of law-enforcement. Most historians assume that police reform in the nineteenth century facilitated the state's assumption of control over the process, yet rather little is actually known about the evolution of the criminal prosecution. It seems that the rise of police prosecution was slow and uneven, with victims and their agents handling numerous cases well into the nineteenth century. David Philips charted the gradual transition to police control in the Black Country, where private persons and their representatives were still behind the majority of indictable summonses in the 1860s.<sup>2</sup> Various local studies conclude that the police brought most theft prosecutions by the 1870s or 1880s, yet private individuals

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<sup>2</sup> Philips, *Crime and Authority*, pp.129-130.

remained the prime movers in cases of common assault.<sup>3</sup> Meanwhile, in Leeds and several large towns, public prosecuting solicitors became responsible for the actual management of cases in court at borough sessions and assizes in the mid-nineteenth century (see above, pp.55-56). Thus, across time and place, the criminal prosecution was variously controlled by private individuals, police officers and public authorities.

At law, there was a key distinction between prosecutions for felony and certain classes of misdemeanour. In particular, the assault prosecution was an extremely flexible legal instrument in this period. Despite diminishing tolerance of (especially male) interpersonal violence in the nineteenth century, prosecutions for assault retained a quasi-civil character.<sup>4</sup> They thus remained largely in private hands by the late nineteenth century, despite increased police control over theft. An appropriate manipulation of the Leeds Police statistics further bears this out. By 1880, larcenies and assaults arrived at the magistrates' court by divergent routes; although virtually every single case of larceny was linked to an arrest in the police accounts, this was true of less than half of assault cases (see below, table 6.1). Put another way, all theft suspects were arrested by the police – following the victim's complaint either to the magistrates or police – while most cases of assault were initiated by a summons, obviating the need for an arrest. There was thus a rather private flavour to the assault prosecution, which (unlike larceny) did not require offenders to be lodged in the cells.<sup>5</sup>

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<sup>3</sup> On London, Davis, 'Prosecutions and their Context', pp.420-24; on Ipswich, Mellaerts, 'Criminal Justice in Provincial England' pp.24-26; on Crewe, Godfrey, 'Changing Prosecution Practices', pp.174-75.

<sup>4</sup> On the eighteenth-century inheritance, see Norma Landau, 'Indictment for Fun and Profit: a Prosecutor's Reward at Eighteenth-Century Quarter Sessions', *Law and History Review* 17 (1999), pp.507-536. See also King, 'Remaking Justice', pp.27-30.

<sup>5</sup> Some assault summonses may have been issued by the police, yet constables also figure less prominently in newspaper reports of assault trials, suggesting that most were 'private' summonses.

	<b>Larcenies</b>	<b>Assaults</b>
<b>Total persons apprehended by the police</b>	651	452
<b>Total persons apprehended by the police and proceeded against on indictment</b>	244	25
<b>Total persons apprehended by police and proceeded against summarily (difference of two preceding categories)</b>	407	427
<b>Total persons proceeded against summarily</b>	408	985
<b>Percentage of those tried summarily who were apprehended by the police (to three significant figures)</b>	99.8	43.4

**Table 6.1: Proportion of suspects tried summarily apprehended by the Leeds Police for larceny and assault, 1880.**

**Sources: Leeds Police Reports (1880), tables two, four and five.**

The distinction between assault and theft further manifested itself in various ways. Firstly, while it was an offence to compound a felony – that is, to settle the matter financially out of court – it was not in cases of assault.<sup>6</sup> Meanwhile, it was not possible to compel the attendance of assault victims at court, while theft victims could be summonsed by magistrates. Although such summonses were rare, the distinction was nonetheless symbolic. As Henry Trafford (stipendiary magistrate at Salford) explained to chairman of the Select Committee on Public Prosecutors:

Trafford: ‘They [prosecutors] have power to settle out of court cases of assault, and various cases. You have not power to compel a prosecutor to come forward in a case of assault. You have in cases of felony, because the offence is against the public and not against the individual.’

Chairman: ‘If a citizen is improperly assaulted, is not that an offence against the public?’

<sup>6</sup> Hay and Snyder, ‘Using the Criminal Law’, p.38.

Trafford: 'It is not so considered in the law.'<sup>7</sup>

Finally, magistrates were more likely to broker settlements between parties in cases of assault, while they were supposed to refer all felonies to the higher courts.<sup>8</sup> Such informal negotiations were diminishing at the early nineteenth-century quarter sessions, yet remained common at the summary courts.<sup>9</sup> After two men charged with harassing Alderman John Wilson were fined twenty shillings for drunkenness in 1855, the *Leeds Times* asked, 'WHY NOT HAVE REFERRED IT TO ARBITRATION?'<sup>10</sup> Almost twenty years later Henry Jordan, comedian at the Theatre Royal, prosecuted the Theatre's assistant general manager William Thomas for assault; as Thomas admitted he was at fault, and the parties agreed to settle the matter upon his issuing a written apology and paying twenty shillings into the poor box.<sup>11</sup> The assault prosecution thus remained almost a civil dispute between private individuals, making it an attractive means of using the criminal law to mediate private and personal disputes.<sup>12</sup>

Even in cases of felony, though, it is worth reflecting on the supposed significance of police prosecution. For some historians, the rise of police prosecution was pivotal to the transition from the discretionary justice of the eighteenth century to a more uniform system in the nineteenth.<sup>13</sup> Indeed, for Randall McGowen, the only genuinely new thing about the

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<sup>7</sup> 'Select Committee on Public Prosecutors', pp.90-91.

<sup>8</sup> Though magistrates were always more independent than the law technically allowed: see King, 'Remaking Justice', pp.15-22.

<sup>9</sup> Peter King, 'Punishing Assault: the Transformation of Attitudes in the English Courts' in his *Remaking Justice from the Margins*, pp.227-254. In addition to what follows see King, 'Summary Courts and Social Relations', pp.147-153; Davis, 'Poor Man's System of Justice', pp.321-25; Barrett, 'Criminal Justice in Cheshire', pp.161-63.

<sup>10</sup> L.T., 28/4/55, p.3.

<sup>11</sup> *Leeds Evening Express*, 23/1/72, p.4.

<sup>12</sup> Barrett, 'Criminal Justice in Cheshire', p.280.

<sup>13</sup> Hay, 'Property, Authority and the Criminal Law', p.56; Hay and Snyder, 'Using the Criminal Law', *passim*.

new police forces was their direction of the prosecutorial process.<sup>14</sup> However, it is extremely difficult to identify who actually had control over prosecutions in this period. Recognisances, which are the most obvious means of identifying 'prosecutors', actually record those *bound over* to prosecute, who were not necessarily responsible for initiating a criminal action: '[f]or the historian...who "forwarded the prosecution" is a matter of inquiry and judgement in individual cases...It cannot be established from the names endorsed on indictments nor necessarily from recognisances.'<sup>15</sup> Thus, even if the police were responsible for investigating, preparing and actually prosecuting a given case in court, they need not necessarily have been the driving force in bringing the matter to public attention. Even by the late nineteenth century, the victim's role as a witness remained crucial; the Metropolitan Police sometimes declined to prosecute in cases of assault if they were not sure of the victim's support,<sup>16</sup> while the police in Ipswich proceeded seemingly independently of a victim's complaint in just five per cent of minor property offences.<sup>17</sup>

Therefore, whoever was bound over to prosecute, the victim retained some measure of control over their case. Of course, magistrates sometimes got round the problem of the victim's refusal to co-operate by downgrading charges of felony. Nobody appeared in 1845 against Ann Maude, who was accused of stealing a counterpane from a Leeds lodging house, yet she was committed to the house of correction for three months for fortune telling.<sup>18</sup> While he admitted that it was an 'evil' for felonies to be dealt with under the Vagrancy Act, Horatio Waddington (Under Secretary of State at the Home Office) nonetheless asserted that few crimes went unpunished in large towns thanks to such judicial

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<sup>14</sup> Randall McGowen, 'New Directions and Old Debates in the History of the English Criminal Law', *Stanford Law Review* 43 (1991), pp.800-801.

<sup>15</sup> Hay and Snyder, 'Using the Criminal Law', p.38, note 119.

<sup>16</sup> Davis, 'Prosecutions and their Context', pp.413, 416-17.

<sup>17</sup> Mellearts, 'Criminal Justice in Provincial England', p.25.

<sup>18</sup> L.T., 15/3/45, p.5.

practices.<sup>19</sup> Yet things did not always work out this way. In 1837, the prosecutor failed to appear to support the charge of larceny against Thomas Atkinson; although several neighbours appeared to pass insinuations regarding Atkinson's character, the magistrates felt they had to discharge the prisoner.<sup>20</sup> While he could have been charged on suspicion or even with unlawful pledging, discharge was frequently the result of a victim failing to appear. Hence the arrival of policemen did not terminate the victim's role at law in the nineteenth century.

### **The Reluctant Prosecutor**

Famously, the brutality of the early nineteenth-century penal code made many victims reluctant to prosecute. The hanging of thieves troubled many ordinary victims of crime, who were otherwise minded to prosecute, as testimony before the 1819 Select Committee on Criminal Laws showed. This Committee, which sought the views of the metropolitan middling sorts, found very considerable reluctance to resort to law in various contexts, due principally to the bloodiness of punishment. William Wilkinson, a merchant, related his experience of falling victim to a young thief, who stole property worth up to £1000: 'understanding it to be an offence likely to be attended with serious consequences for the youth...I was induced to abandon the thing altogether.'<sup>21</sup> Few victims testified to such gigantic losses, yet several spoke eloquently as to the difficulties of prosecuting in the

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<sup>19</sup> 'Select Committee on Public Prosecutors', p.167.

<sup>20</sup> L.T., 7/10/37, p.4.

<sup>21</sup> P.P., 'Report from the Select Committee on Criminal Laws' (1819), p.87.

shadow of the gallows.<sup>22</sup> Others prosecuted, but only after gaining assurance that the death penalty would be avoided. When printer Richard Taylor's office was raided, he personally consulted the relevant statutes; assured that no burglary had been committed, he went on to prosecute the perpetrators, who were eventually transported.<sup>23</sup> As John Beattie has shown, it was also commonplace for juries purposely to under-value stolen property in order to avoid considering a given crime as a capital offence.<sup>24</sup>

The reform of the bloody code in subsequent decades was, in large part, meant to combat this very problem,<sup>25</sup> yet there remained circumstances in which victims were disposed to overlook offences. According to one Home Office bureaucrat, as late as 1901, 'many thefts are condoned, especially by employers, who dismiss offenders without prosecuting them.'<sup>26</sup> Many victims remained reluctant to involve the authorities in their criminal encounters throughout the nineteenth century. While the historian has access to very few records of victims keeping out of the criminal justice process altogether, one gets an insight into the difficulties victims faced in using the law from their appearances (and non-appearances) before the magistrates; where a few arrived at court and pleaded to withdraw their charge, many more doubtless stayed away in the first place. What follows uses national and local sources to explore how resort to the criminal law remained burdensome, inappropriate or counter-productive for many victims from the 1830s. In particular, it focuses on disincentives to prosecute arising from expense, fear of retribution, embarrassment and personal relationships.

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<sup>22</sup> See for example 'Select Committee on Criminal Laws', pp.89, 90, 100.

<sup>23</sup> 'Select Committee on Criminal Laws', p.94.

<sup>24</sup> Beattie, *Crime and the Courts*, pp.424-29.

<sup>25</sup> See Randall McGowen, 'The Image of Justice and Reform of the Criminal Law in Early Nineteenth-Century England', *Buffalo Law Review* 32 (1983), pp.111-15.

<sup>26</sup> PP, 'Judicial Statistics' (1901), p.14.

## *Time and Money*

Historians have made much of the increasing accessibility of the nineteenth-century criminal courts, and hence the growing inclination of the labouring classes in particular to prosecute offenders. Various acts from 1752 onwards allowed justices to reimburse expenses to prosecutors, culminating in the 1826 Criminal Justice Act, which facilitated payments to witnesses and prosecutors in all indictable cases and in certain misdemeanours.<sup>27</sup> The extension of summary justice in the 1840s and 1850s further eased the burden on prosecutors, especially in cases of larceny: the result, according to Philips, was a sharp increase in the prosecution rate, as a section of the 'dark figure' was fed into the courts by previously reluctant prosecutors.<sup>28</sup> These accounts present an almost Whiggish view of ever-widening access to the criminal law, capped by the impressive showing of working-class prosecutors at the summary courts by the final third of the nineteenth century.<sup>29</sup>

Yet the accessibility of the criminal law had its limits. In particular, the history of prosecution expenses demands a rather more complicated narrative. The 1826 Act certainly improved the prosecutor's lot, and from 1847 the state theoretically bore the full cost of prosecution.<sup>30</sup> However, as Lord Brougham explained to the Select Committee on Public Prosecutors in the 1850s, prosecutors were only able to claim their expenses back *after* the trial, and so poverty still prevented some from going to law.<sup>31</sup> The Committee also heard

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<sup>27</sup> See Philips, *Crime and Authority*, pp.112-13; Emsley, *Crime and Society in England, 1750-1900*, pp.195-97; Beattie, *Crime and the Courts*, pp.42-48.

<sup>28</sup> Philips, *Crime and Authority*, pp.133-35.

<sup>29</sup> Davis, 'Poor Man's System of Justice', p.318.

<sup>30</sup> 'Select Committee on Prosecution Expenses', p.81.

<sup>31</sup> 'Select Committee on Public Prosecutors', p.11; see also Philips, *Crime and Authority*, p.116.



Francis Hobler, a solicitor from the City of London, admit that he had been left out of pocket on previous occasions having not received full expenses, and so he had come to refuse cases in which clients could not guarantee to cover his costs.<sup>32</sup> Such difficulties persisted in the provinces too, as Mr Wilkinson (a Walsall solicitor) bluntly declared: '[t]here is no doubt in the world that many prosecutions are not gone into, on account of the poverty of the prosecutor; he will not undertake the labour and trouble and cost of the prosecution, because he has not the means.'<sup>33</sup>

If funding prosecutions remained a problem by 1855, despite state assistance, the situation soon became worse still. Curiously, it seems historians have yet to notice that expense payments were systematically cut in the mid-nineteenth century. By the 1850s, the cost of prosecutions to the Treasury had swollen enormously.<sup>34</sup> Mr Hawkins, law clerk in the Treasury, considered this the result of numerous frivolous prosecutions, combined with the profligacy of policemen in calling supernumerary witnesses to trial.<sup>35</sup> There followed from 1857 a concerted effort to reduce expenses, as the Home Secretary introduced a central scale of allowances for prosecutors and witnesses. Parts of the country which already granted minimal payments to prosecutors and witnesses were unaffected by the new scale,<sup>36</sup> yet it prompted concerted opposition elsewhere, especially in the north of England. The 1862 Select Committee on Prosecution Expenses heard repeated complaints from both urban and rural areas, concerning the newfound difficulty of getting witnesses to attend

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<sup>32</sup> 'Select Committee on Public Prosecutors', pp.135-36.

<sup>33</sup> 'Select Committee on Public Prosecutors', p.156.

<sup>34</sup> Total prosecution expenses grew from about £69,000 in 1837 to £247,359 in 1855: PP, 'Report of the Commissioners appointed to inquire into the Costs of Prosecutions' (1859), p.vii.

<sup>35</sup> 'Select Committee on Public Prosecutors', pp.204-205.

<sup>36</sup> See 'Select Committee on Prosecution Expenses', p.81.

court,<sup>37</sup> prison officers to prove previous convictions,<sup>38</sup> and obtaining criminal intelligence.<sup>39</sup>

Most widespread, however, were anxieties that reduced allowances produced a renewed disincentive to prosecute, and not just within the working class. Colonel Hogg, Chief Constable of Staffordshire, contended that all sorts of witnesses, 'from the professional... to the day-labourer', were deterred from coming forward.<sup>40</sup> Concerns were most acute relating to cases at quarter sessions and assizes, yet the lower courts were hardly immune from the fallout. Uncertain of whether a case would be adjudicated summarily, some victims considered it not worth the risk to prosecute in minor cases. Hogg related one such case in which a man was arrested carrying a fowl in his bundle, which Constable Beardmore eventually traced to one Mr Hamilton:

But when asked to attend at Wednesbury petty sessions this day to prosecute, he [Hamilton] said he would do nothing of the sort, and desired Beardmore to take it home and put it in the pot, as he would not attend for a matter of 2s. *when he might have to go to Stafford and receive 1s. 6d. a day, and be at the loss of a couple of pounds.*<sup>41</sup>

Employers were also reluctant to prosecute their servants, Hogg told the Committee, citing a communication from Messrs. Goddard & Company, colliers:

some time since the police caught one of our colliers who had some coal in his possession on returning home from his work very early in the morning, which he had stolen from our works; but we declined to prosecute the man chiefly on account of the inadequacy of the sum allowed to witnesses by the Government for their expenses.<sup>42</sup>

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<sup>37</sup> 'Select Committee on Prosecution Expenses', p.1.

<sup>38</sup> 'Select Committee on Prosecution Expenses', pp.6, 24-25, 42-43.

<sup>39</sup> 'Select Committee on Prosecution Expenses', pp.4-5, 12.

<sup>40</sup> 'Select Committee on Prosecution Expenses', p.7.

<sup>41</sup> 'Select Committee on Prosecution Expenses', p.23, emphasis added.

<sup>42</sup> 'Select Committee on Prosecution Expenses', p.23. He may well, of course, have been dismissed instead.

Victims in the West Riding faced similar a dilemma. According to solicitor John Marsden, there was a general reluctance to involve the police in dealing with crimes in that county.<sup>43</sup> Although labourers suffered most under the new scale,<sup>44</sup> this problem extended far beyond the working class. Marsden read the following letter from the police superintendent at Bradford:

Mr. Benjamin Kay, of Pudsey, draper, caught a man (a stranger) stealing money from his shop till on the 12<sup>th</sup> of March 1860, but allowed the man to go away without acquainting the police. Serjeant [sic] called upon Mr. Kay for an explanation of his conduct in allowing the man to escape punishment, when he stated as his reason that he could not afford to leave his business to attend the court to prosecute, as the allowance he should receive for his attendance would not be sufficient to compensate him for his loss of time.<sup>45</sup>

Two years later, the Leeds Watch Committee conducted its own investigation into the scale of allowances in criminal prosecutions, and found it inadequate.<sup>46</sup> Plainly, the cap on expense payments imposed after 1857 produced widespread disquiet regarding the disinclination of victims to support prosecutions.

Furthermore, while reformers were in favour of widening access to the law (as a means of increasing the certainty with which punishment would follow offence), there remained official anxieties about empowering the private prosecutor. The counterpoint of widening access to the law was a recurrent concern with 'malicious' or 'vexatious' prosecutions; working-class use of the courts fuelled disquiet about irresponsible

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<sup>43</sup> 'Select Committee on Prosecution Expenses', p.52.

<sup>44</sup> 'Select Committee on Prosecution Expenses', p.59.

<sup>45</sup> 'Select Committee on Prosecution Expenses', p.55.

<sup>46</sup> W.C.8, 30/12/64, p.49.

prosecutorial practices.<sup>47</sup> John Hatton, Chief Constable of Staffordshire, suspected the motives of poor prosecutors at large: 'I think prosecutions are got up by thieves and tramps solely for the sake of receiving the money, particularly in towns.' Such common cases, he explained, 'generally arise at lodging-houses, from one tramp or vagrant robbing another of a pair of shoes or a hat'.<sup>48</sup> He further described as 'trumpery cases' those 'such as stealing a bit of coal or a pair of old shoes, and robberies at lodging-houses', where he supposed prosecutors aimed simply to make money out of the expenses.<sup>49</sup> Hatton's testimony cast doubt on the integrity of poor victims who prosecuted seemingly trivial thefts – just 'one tramp or vagrant robbing another'. His contempt for such prosecutors is significant, as lodging-house residents made extensive use of the criminal law in this period.<sup>50</sup> Formally, however, concerns about malicious prosecution did little to restrain prosecutors; aside from a couple of marginal changes under the 1859 Vexatious Indictments Act, the private prosecutor was burdened with few additional legal restrictions in the nineteenth century.<sup>51</sup>

Moreover, there remained an 'official' view that prosecution should not be made easier for its own sake. It was, after all, a public duty; men of good character and sufficient means should not have to be enticed with increasingly lucrative reimbursements. Despite the progressive incursion of police and specialist prosecuting solicitors by the 1860s, such Whiggish notions of gentlemanly initiative continued to colour debate.<sup>52</sup> Andrew Macmanus, Chief Constable of Hull, thus advocated a little extra money to labouring prosecutors, but not the better-off: '[w]ith regard to the higher classes, I think that they

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<sup>47</sup> See Hay, 'Prosecution and Power', p.387; Rock, 'Prosecutors and the State', pp.345-46.

<sup>48</sup> 'Select Committee on Public Prosecutors', p.107.

<sup>49</sup> 'Select Committee on Public Prosecutors', p.109.

<sup>50</sup> See Davis, 'Poor Man's System of Justice', pp.319-320.

<sup>51</sup> Hay, 'Prosecution and Power', p.388; Douglas Hay, 'Controlling the English Prosecutor', *Osgoode Hall Law Journal* 21 (1983), pp.177-79.

<sup>52</sup> The best guide to the ideology of private prosecution is Hay and Snyder, 'Using the Criminal Law', pp.33-35.

should not expect to be compensated for their time, because I think they ought to give a little assistance to the public in following up prosecutions by their own will, without expecting to receive the amount of money which they might be out of pocket or for loss of time'.<sup>53</sup> Those desperate to limit the burden on the Exchequer naturally agreed. According to John Hughes Preston, examiner of the criminal law accounts, 'as the payment of expenses in criminal proceedings is not strictly a matter of right, and the attendance is in the nature of a public duty, I consider that if you protect a person in a humble class of life from loss, you do all that can reasonably be demanded.'<sup>54</sup> Expense payments were meant to allow labouring people to obtain legal redress, not to remove the burden of inconvenience entirely, still less to indemnify substantial individuals against lost earnings. These pronouncements signal the survival of an eighteenth-century mode of police thought, which foregrounded the duty of independent public men to uphold the social order. If reformers reworked this philosophy to embrace professional policing – as a means of combating elite apathy concerning the office of parish constable<sup>55</sup> – it remained pertinent to the logic of prosecution.

### *Fear and Shame*

Besides the expense, many victims grappled with emotional barriers to putting the law into action. Some feared reprisals from associates of the offender. In 1835, a joiner managed,

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<sup>53</sup> 'Select Committee on Prosecution Expenses', p.38.

<sup>54</sup> 'Select Committee on Prosecution Expenses', p.76.

<sup>55</sup> This is Francis Dodsworth's thesis; see especially his "'Civic" Police and the Condition of Liberty: the Rationality of Governance in Eighteenth-Century England', *Social History* 29 (2004), pp.199-216, and 'Masculinity as Governance', pp.33-53.

despite some difficulty, to apprehend a party of thieves – led by notorious John Collison – who were regularly plundering milk from a neighbouring field. When the case came to court, however, the farmer failed to appear to prosecute, ‘he being, as was stated, afraid to do so, lest the prisoner should inflict some serious injury upon his person or property.’<sup>56</sup> Almost fifty years later, John Macdonald similarly failed to appear against George Hunter, who had previously stabbed him in the head; according to the *Leeds Daily News*, ‘it is thought that he [Macdonald] is keeping out of the way.’<sup>57</sup> Although such revealing commentary was rare, evidence from elsewhere suggests that fear was a powerful disincentive to prosecute in town and country. The Chief Constable of Cheshire informed a parliamentary Select Committee in the early 1860s that farmers frequently failed to prosecute labourers, ‘for fear of having their stacks fired’.<sup>58</sup>

As prosecution was a very public business, humiliation troubled numerous complainants who wanted the circumstances of their criminal encounters to remain confidential. Men who were robbed by the city’s prostitutes were often too embarrassed to prosecute, and many failed to appear in court. The magistrates discharged Elizabeth Campbell in 1836, after the man who accused her of picking his pocket was absent from court.<sup>59</sup> Such cases were fairly common: the *Leeds Times* recorded that notorious prostitute and thief Mary Carr was twice discharged in similar circumstances that year.<sup>60</sup> Chief Constable Heywood claimed that scarcely a night went by without someone falling victim to Carr’s tricks; doubtless he was exaggerating, yet it nonetheless seems that her victims failed to press charges on a regular basis.<sup>61</sup> Journalists well understood why men did not

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<sup>56</sup> L.T., 8/8/35, no page.

<sup>57</sup> L.D.N., 12/1/82, no page.

<sup>58</sup> ‘Select Committee on Prosecution Expenses’, p.63.

<sup>59</sup> L.T., 2/4/36, no page.

<sup>60</sup> L.T., 21/5/36, no page, 27/8/36, p.4.

<sup>61</sup> L.T., 27/8/36, p.4.

want to prosecute in such circumstances; when porter Robert Smith failed to appear against Ann Robinson, the *Leeds Times* noted he was, 'no doubt afraid of the *exposé* which he would thereby subject himself to'.<sup>62</sup> By inserting Smith's name, however, the reporter made sure to publicise his indiscretion.

In fact, the press was instrumental to shaming these male victims, and hence to producing a disinclination to prosecute. As Nils Christie notes, attitudes towards victims depend upon the circumstances of the crime, situated in specific cultural and historical contexts. 'Ideal' victims tend to correspond closely to societal conceptions of weakness and innocence, while others are imperfect, their victimhood complicated by particular considerations.<sup>63</sup> The victims of prostitute-thieves were far from 'ideal', thanks partly to their deviant pursuit of sexual satisfaction, but also their carelessness in falling prey to such a well-known criminal scam. Farrier Thomas Watson, after drinking gin with Jane Wilkinson in a dram shop in 1835, thus 'had the egregious folly to accompany her to a house of ill fame, in York-street', where she picked his pockets.<sup>64</sup> The language of 'folly' and 'foolish' victims was repeatedly used in connection with thefts by prostitutes, especially early in the nineteenth century.<sup>65</sup> Magistrates explicitly counselled these men – and the public more broadly – to avoid such characters: in 1837, stonemason John Wilson 'was cautioned to keep sober, and advised to associate with better company for the future.'<sup>66</sup>

Newspapers commonly presented such men as deserving of their misfortune. In 1837, Mary Robinson – described as 'a notorious strumpet' – was arrested after trying to

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<sup>62</sup> L.T., 10/12/36, p.4.

<sup>63</sup> Nils Christie, 'The Ideal Victim' in Ezzat A. Fattah (ed.), *From Crime Policy to Victim Policy: Reorienting the Justice System*, Basingstoke: Macmillan, 1986, pp.17-30.

<sup>64</sup> L.T., 23/5/35, no page.

<sup>65</sup> See for example L.T., 27/2/36, no page, 9/4/36, no page, 22/4/37, p.4.

<sup>66</sup> L.T., 21/10/37, p.4.

pick Godfrey Caton's pockets. With insufficient evidence of felony, she was fined ten shillings and costs for assaulting the police officer, which she paid immediately. The *Leeds Times* saw a fair measure of justice in this settlement: 'if this was the money she had taken from Caton, he, by being deprived of it, was also punished for his indiscretion.'<sup>67</sup> Almost twenty years later, the newspaper branded Thomas Heaton, an elderly married man robbed while consorting with prostitute Ellen Madden, 'AN OLD SINNER', and reported on the treatment meted out to both parties in court: '[t]he bench lectured the prosecutor for his gross immorality, and committed the girl to gaol for a month.'<sup>68</sup> Faced with being admonished by magistrates and shamed in the press, many victims instead declined to appear against prostitutes in this period.

Those conned out of money or possessions by fortune-tellers also often omitted to attend court. Like the clients of thieving prostitutes, these victims were cast as foolish dupes to an age-old scam. In 1837, an Irish woman called Margaret Macnamara was convicted of fortune telling, yet several of those who paid her 'refused to exhibit themselves as witnesses to their own folly as witnesses [sic] in a court of justice.'<sup>69</sup> Fifty years later, victims of similar appropriations were still described in decidedly negative terms. In 1881, the *Leeds Daily News* labelled one such case 'A FORTUNE-TELLER AND HER DUPES',<sup>70</sup> before highlighting the 'EXTRAORDINARY CREDULITY OF SERVANT GIRLS AT WAKEFIELD' the following year.<sup>71</sup> Everyday social interaction at all levels of society prompted embarrassing criminal encounters – and so victims reluctant

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<sup>67</sup> L.T., 23/12/37, p.4.

<sup>68</sup> L.T., 10/2/55, p.2.

<sup>69</sup> L.T., 16/9/37, p.4.

<sup>70</sup> L.D.N., 21/3/81, no page.

<sup>71</sup> L.D.N., 12/4/82, no page.



to prosecute – most of which escape the historical record. One catches a passing glimpse at one such case from the late nineteenth-century Newmarket racecourses:

A Bookmaker and his clerk betting in the Guinea Ring in the name of “Billy Brooks & Co”, were brought in to the Police Station by p.c. Walls & Inspector [sic] Cooper and Moody on the Complaint of a Cambridge undergraduate who said he had been welched by these men *The Gentleman declined to prosecute for Larceny on the ground that it might spoil his university career* and the men were ordered to leave the course.<sup>72</sup>

### *Friends and Relations*

Victims further struggled to prosecute offenders when criminal encounters took place in the context of established personal relationships. Samuel Johnson Roberts, a solicitor from Chester, thought this problem particularly acute in scarcely populated parts of the country: in such areas, ‘from the parties knowing each other, and being on intimate terms, they are bought off. I do not mean pecuniarily, but by friendly influences, they are induced to give up prosecutions.’<sup>73</sup> Such concerns, though, were also a feature of urban crime control, most obviously in cases of domestic violence, which were amongst those offences least likely to come before the courts.<sup>74</sup> Historians agree that women frequently failed to appear in court against their husbands for various reasons – the shame of publicising marital conflict, the financial contradictions inherent in pressing for a fine against the breadwinner, and the emotional difficulty of appearing against a loved one.<sup>75</sup> There were numerous examples

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<sup>72</sup> Newmarket Heath Occurrence Book, 23/10/88, emphasis added.

<sup>73</sup> ‘Select Committee on Public Prosecutors’, p.117. See also anon., ‘Growth of Crime’, pp.121-22, 132.

<sup>74</sup> D’Cruze, *Crimes of Outrage*, p.2; Archer, *Monster Evil*, pp.144-45.

<sup>75</sup> Tomes, ‘Torrent of Abuse’, pp.333-34; Hammerton, *Cruelty and Companionship*, pp.49-51; Davis, ‘Poor Man’s System of Justice’, p.320; Woods, ‘Community Violence’, pp.187-88.

from Leeds of wives failing to appear against husbands,<sup>76</sup> or pleading for lenient treatment before the magistrates.<sup>77</sup> While some historians have interpreted the failure to attend court as evidence of women's ability to tailor the criminal justice system to their own needs – publicising intimate violence without bringing punishment upon their husbands<sup>78</sup> – most cases testify instead to the exceptional financial, cultural and emotional difficulties such women experienced in utilising the criminal law.

Once women involved the authorities, it became increasingly difficult to reassert control over the resolution of their case. Sometimes, wives risked reputational damage in order to divert cases out of the courts. In 1882, Mary Ann Hughes suffered a knife blow to the head from Matthew Alfred Ward, with whom she lived; she summoned a police officer, and Ward was arrested. In court, however, Hughes derailed the charge, by drawing attention to her own 'provocation': '[t]he complainant said she had had something to drink, and thought she was quite as much to blame as the prisoner.'<sup>79</sup> A wife's drunken disregard for her domestic duties had long been a mitigating factor in cases of domestic violence, a device which Hughes manipulated to stay punishment for Ward.<sup>80</sup> Such tactics, though, were last ditch efforts to remove the magistrates from the equation, which potentially carried the cost of temporarily surrendering claims to recognition as 'respectable'.<sup>81</sup> Moreover, such efforts to regain control over criminal affairs were not always successful. In 1874, when Bridget Monaghan appeared to prosecute her husband John for a vicious kicking attack, the *Leeds Daily News* commented: '[i]t was evident from the prosecutrix's evidence that she was anxious to modify the case, as she repeatedly declared that she had

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<sup>76</sup> See for example L.T., 9/1/36, no page.

<sup>77</sup> See for example L.T., 28/10/37, p.4, 27/2/75, p.5.

<sup>78</sup> D'Cruze, *Crimes of Outrage*, p.70.

<sup>79</sup> L.D.N., 27/2/82, no page.

<sup>80</sup> See Conley, *Unwritten Law*, pp.71-73; Archer, *Monster Evil*, p.149.

<sup>81</sup> Though note that working-class notions of respectability sometimes accommodated female drunkenness: Ross, 'Respectability in Pre-World War I London', pp.45-47.

not been hurt, but only frightened.' The stipendiary magistrate, however, was unconvinced, and sentenced John Monaghan to two months in prison.<sup>82</sup>

Yet it was not just husbands who were routinely sheltered from the law by their victims; friends and family more generally were often prosecuted only reluctantly, after a long prior history of toleration. In 1836, Inspector Ulleart arrested Joseph Dearden on suspicion, carrying a large sum of money and requesting change. This prompted Dearden's father to come from Halifax, and inform the magistrates that his son had absconded with his money, and not for the first time. Still, as he declined to prosecute, the prisoner was discharged back into his custody.<sup>83</sup> Other fathers, however, had run out of patience by the time they came to court. Samuel Pollard was prosecuted for assault by both his parents in 1845. According to the *Leeds Times*, his conduct 'had been so reckless and violent, that they [his parents] were at length compelled to have recourse to the law as a means of protection.'<sup>84</sup> While parental reluctance to resort to law may have eased somewhat by the late nineteenth century, actions against family members remained problematic. Patrick Kinaghan, who, in 1885, prosecuted his brother for stealing a watch, hinted at a longer history of offending, remarking that his brother had 'a failing for this sort of conduct'.<sup>85</sup>

The difficulty of prosecuting close relations was reflected in the rather indirect means by which many such cases came to court. While some charges were brought personally, the intervention of intermediaries was often decisive in converting familial conflict into a criminal prosecution.<sup>86</sup> While historians have frequently noted neighbourly

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<sup>82</sup> L.D.N. 13/1/74, p.4.

<sup>83</sup> L.T., 20/8/36, p.4.

<sup>84</sup> L.T., 29/3/45, p.4.

<sup>85</sup> L.T., 23/5/85, p.3.

<sup>86</sup> A common intermediary was, of course, the police; see further below, this chapter.

reluctance to intrude upon domestic affairs,<sup>87</sup> such activity was responsible for bringing many cases to public notice. Elizabeth Wood's husband was prosecuted for assault in 1837, for instance, after neighbours reported concerns about her treatment to Inspector Child.<sup>88</sup> Almost fifty years later, labourer John Roach knocked his brother down and kicked him unconscious following a row over fetching beer, whereupon neighbours rushed in to halt the violence.<sup>89</sup> There were also a few examples of property offences between intimates coming to light in this way. In 1885, for instance, John Hudson was committed to the house of correction for a month for stealing his step-father's overcoat, the complaint having been raised not by the victim, but by Mr Middleton, the pawnbroker with whom Hudson had attempted to dispose of the article.<sup>90</sup> But for the initiative of third parties in such cases, many criminal encounters would surely have remained simply family quarrels, without leaving a trace in the historical record.

### Alternatives to Prosecution

In spite of these obstacles, people at all levels of society made use of the criminal law. This does not mean, however, that alternatives to the 'official' criminal justice process were wiped out in the nineteenth century; prosecution supplemented, rather than replaced, those informal sanctions and negotiations which had resolved criminal encounters for

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<sup>87</sup> See Tomes, 'Torrent of Abuse', pp.335-36; Conley, *Unwritten Law*, pp.75-78; Archer, *Monster Evil*, pp.150-51.

<sup>88</sup> L.T., 13/5/37, p.4.

<sup>89</sup> L.D.N., 5/7/86, no page.

<sup>90</sup> L.T., 28/2/85, 5.

generations.<sup>91</sup> Of course, the difficulty with investigating such practices is the shortage of source material. By their very nature, personal negotiations between private parties leave only a passing scrap of written testimony here or there, against the volumes of documents generated by the formal criminal justice system. Local newspapers, however, offer an insight into these shadowy compromises and settlements. The following analysis is inevitably a little piecemeal, yet it offers a vital counterbalance to much of the current literature; while some forms of informal settlement were in decline by the mid-nineteenth century, others lived on in the shadows of an increasingly systematic criminal justice process.

One way of settling criminal matters in eighteenth-century towns was by the offender issuing a printed apology. As Donna Andrew has argued, such notices were a quick and relatively inexpensive means of forestalling a forthcoming prosecution.<sup>92</sup> Although almost a third of examples concerned slanderous words, apologies were also regularly issued in cases of petty theft.<sup>93</sup> By the 1830s, insertions in the Leeds press more often referred to assaults than larcenies. In 1836, for instance, John Wilkinson apologised in the *Leeds Times* for assaulting Charles Kay, cloth merchant and Wilkinson's former partner, and pledged £5 to the Leeds Infirmary.<sup>94</sup> Interestingly, public officials also used the newspapers to avert legal proceedings for exceeding their duty. The previous year John Braidley, clerk of the free market in Leeds, apologised for assaulting George Newton, a merchant. Newton had already commenced a civil action for damages yet, as Braidley declared, 'he hath consented to stay all further proceedings, on condition that I pay the

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<sup>91</sup> Davis, 'Prosecutions and their Context', p.425. On the centrality of pre-trial settlement in the eighteenth-century criminal justice process, see especially King, *Crime, Justice, and Discretion*, pp.22-29.

<sup>92</sup> Donna T. Andrew, 'The Press and Public Apologies in Eighteenth-Century London' in Norma Landau (ed.), *Law, Crime and English Society, 1660-1830*, Cambridge: Cambridge University Press, 2002, pp.210-13.

<sup>93</sup> Andrew, 'Public Apologies', pp.224-26.

<sup>94</sup> L.T., 23/7/36, p.1.

whole of the Costs incurred by him and his Attorney, and also make an Apology in the Leeds Papers for such Misconduct.'<sup>95</sup>

By this period, however, such settlements were plainly in decline. A search of the *Leeds Mercury* online suggests that apologies were still commonly used in the 1820s, long after their decline in London in the 1790s.<sup>96</sup> Most of these notices though came not from Leeds, but surrounding towns and villages including Halifax,<sup>97</sup> Dewsbury,<sup>98</sup> Aberford<sup>99</sup> and Almondbury.<sup>100</sup> Moreover, most related to defamation and slander rather than criminal matters. By the mid-nineteenth century, the public apology had all but disappeared from the pages of local newspapers. In any case, as most announcements in criminal cases were designed to halt an impending court action, they were certainly redundant after the expansion of summary justice in the 1840s and 1850s, which reduced the time which criminals commonly spent awaiting trial from months to days. In cities like London and Leeds, the public apology was rarely used to settle criminal encounters by the early nineteenth century.

Another public form of resolution which receded over the nineteenth century was resort to 'rough music'. Though usually associated with deviant sexual and marital conduct, this shaming ritual served a wide variety of functions in the eighteenth century, including regulating communal norms and social relations.<sup>101</sup> In early nineteenth-century Pudsey (near Leeds), it was apparently 'much dreaded by people, whose outrageous conduct was probably thereby considerably curbed.'<sup>102</sup> Despite rapid urbanisation in the nineteenth

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<sup>95</sup> L.T., 19/12/35, no page.

<sup>96</sup> See Andrew, 'Public Apologies', p.227.

<sup>97</sup> L.M., 17/2/21, no page.

<sup>98</sup> L.M., 30/12/20, no page.

<sup>99</sup> L.M., 7/4/21, no page.

<sup>100</sup> L.M., 6/11/24, no page, 21/5/25, no page.

<sup>101</sup> See Thompson, 'Rough Music', pp.508-510, 516-521.

<sup>102</sup> Lawson, *Progress in Pudsey*, p.85.

century, rough music lived on even in the great industrial cities.<sup>103</sup> In her study of criminal justice in Victorian Kent, Carolyn Conley foregrounds the custom as a central feature of informal crime resolution. The police, she claims, did not routinely suppress the custom (as Robert Storch argued),<sup>104</sup> and its function in shaming local deviants was understood and accommodated by the magistrates.<sup>105</sup>

While it flourished in Kent, however, rough music receded as a means of communal self-policing in Leeds. Although the practice lived on, this extensive search of the newspapers uncovered only a couple of examples, neither of which were deployed to settle criminal encounters.<sup>106</sup> Of all crimes, however, the ritual was most commonly associated with domestic violence.<sup>107</sup> George Ratcliffe, who grew up in Leeds in the 1860s and 1870s, remembered one such ‘Stang-Riding’ against Nick Wilbur, who was known to ill-treat his wife. As far as Ratcliffe recollected, the crowd’s chorus closed with a general caution to the local community:

Now all you good people who live in this row,  
A warning take, for this is our law,  
If any of you our wives does bang,  
Three nights we’ll merrily Ride the Stang,  
Hurrah! Hurrah! Hurrah!<sup>108</sup>

<sup>103</sup> On Leeds specifically, see Robert D. Storch, ‘Introduction: Persistence and Change in Nineteenth-Century Popular Culture’ in Robert D. Storch (ed.), *Popular Culture and Custom in Nineteenth-Century England*, London: Croom Helm, 1982, p.9. Rough music was also used to defend the reputations of resort towns: see Conley, *Unwritten Law*, pp.24-25; David Churchill, ‘Living in a Leisure Town: Residential Reactions to the Growth of Popular Tourism in Southend, 1870-1890’, *Urban History*, forthcoming (2013).

<sup>104</sup> Storch, ‘Domestic Missionary’, pp.489-492.

<sup>105</sup> Conley, *Unwritten Law*, pp.22-28.

<sup>106</sup> Rough music had previously been deployed against petty thieves: Thompson, ‘Rough Music’, pp.516-17.

<sup>107</sup> See Thompson, ‘Rough Music’, pp.505-508; Hammerton, *Cruelty and Companionship*, pp.18-22.

<sup>108</sup> George Ratcliffe, *Sixty Years of It: Being the Story of my Life and Public Career*, London and Hull: A. Brown & Sons, 1935, p.2.

Rough music, however, was not a routine means of responding to wife-beating. As we have seen, neighbourly interference in domestic quarrels was the exception rather than the rule. Furthermore, it remains unclear how close urban 'communities' were in mid-Victorian England. Some historians have emphasised the existence of tight-knit neighbourhoods, especially in the poorest districts, in the second half of the nineteenth century;<sup>109</sup> nevertheless, residential districts remained socially diverse and highly mobile throughout this period, which hints that few were afforded protection by the kind of insularity evident from the rows around the butcher's shop where Ratcliffe worked.<sup>110</sup> Furthermore, given the obscurity of these rituals, it is impossible to say whether women were ever in a position to direct their neighbours to intervene; if rough music was largely about upholding the character of individual streets and neighbourhoods, then women's experience of domestic violence probably mattered little against the broader politics of neighbourly sociability.<sup>111</sup> Hence, while rough music survived in urban areas, it did not represent a viable communal alternative to prosecution.

Although certain private and communal responses to crime were on the wane by the 1830s, going to law remained just one means of resolving criminal encounters. Financial settlement outside of court, which was common in the previous century,<sup>112</sup> remained a possibility. Compounding was legal for assaults, and the Home Office considered such compromises were still common by about 1900.<sup>113</sup> In spite of legal prohibition, settlements were also negotiated in cases of felony. The Criminal Law Commission in the 1840s recognised that the responsibility on private persons to prosecute 'opens a wide door to

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<sup>109</sup> Chinn, *Poverty amidst Prosperity*, pp.131-36; D'Cruze, *Crimes of Outrage*, pp.32-33.

<sup>110</sup> Ward, 'Environs and Neighbours', pp.144-158; Vincent, *Poor Citizens*, pp.14-15; Mike Savage and Andrew Miles, *The Remaking of the British Working Class, 1840-1940*, London: Routledge, 1994, pp.61-62.

<sup>111</sup> Though note the centrality of working-class women in maintaining communal reputations and relations: Ross, 'Respectability in Pre-World War I London', pp.39-40, 48-51; Tebbutt, *Women's Talk?*, pp.50-54.

<sup>112</sup> Beattie, *Crime and the Courts*, pp.39-40.

<sup>113</sup> 'Judicial Statistics' (1901), p.14.



bribery, collusion and illegal compromises.’<sup>114</sup> Henry Leigh Trafford, stipendiary magistrate at Salford, bemoaned the difficulty of enforcing recognisances, given the propensity of victims to settle financially with offenders:

Frequently cases occur before me where I am compelled to summon the prosecutor to appear, because the property of which he has been robbed is returned to him, and he wished to forego the trouble; this is the case most frequently in the cases of old and repeatedly convicted offenders.<sup>115</sup>

Many victims probably settled in this way. When Thomas Thornton seized a prostitute who had picked his pocket in 1836, she offered him two rings in compensation, and promised she would return his money if he came back to her house.<sup>116</sup> Perhaps fearing an ambush at the premises, Thornton gave her into police custody, yet others might well have been tempted to compound, especially given the burden of prosecuting. Almost forty years later, after Jane Hammond showed a spare room to prospective lodger Mary Class, she missed a table cloth from that room. When Class later failed to return as promised, Hammond ‘made some inquiries’, before going to confront her about the cloth. Class at first denied knowing anything about it, yet eventually promised to buy Hammond a new one.<sup>117</sup> Again, we only know of this case because Hammond refused to compromise, preferring instead to inform the police. For every such case in which thieves failed to negotiate a compromise, however, there must have been others in which victims were satisfactorily compensated for their losses, hence avoiding the courts and the historical record.

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<sup>114</sup> PP, ‘Eighth Report of Her Majesty’s Commissioners on Criminal Law’ (1845), p.24.

<sup>115</sup> ‘Select Committee on Public Prosecutors’, p.91.

<sup>116</sup> L.T., 7/5/36, no page; for a similar case see L.T., 11/8/55, p.3.

<sup>117</sup> L.D.N., 16/1/74, no page.

Some positive cases of negotiation and compounding, however, did feature in the press. In 1836, George Stockdale was charged with robbing Joseph Barnett of his watch. The case was only detected, however, after one William Naylor was apprehended on trying to pawn the article. Naylor, the magistrates learned, had received the watch 'to compromise in part a robbery committed upon that individual of two sovs.'<sup>118</sup> Later that year, watchman Pullan was summoned to the notorious Golden's Buildings, where William Russon charged prostitute Eliza Campbell with robbing him of two shillings. When the case arrived in court, however, Russon was anxious to withdraw the charge:

From the manner in which he gave his evidence, as well as from other circumstances, it was evident that he had compromised the charge with the prisoner's friends. Mr. Benyon characterised his conduct as most disgraceful, and reminded him that watchmen were employed to afford protection to the public, and not to be called from their beats by persons like him...<sup>119</sup>

Some compromises came to light only after they fell through. Elizabeth White, who had her pocket picked in a pub in 1882, traced the offender, but declined to prosecute on the understanding that he would return her property. Presented later with part of the money, however, she 'would not take it then as he abused her, and had him taken into custody.'<sup>120</sup> Substantial as well as petty thefts might be compounded. In 1886, Joshua Harris Parker, tea and cigar merchant, brought a charge of embezzlement against an employee, Charles Parkinson, who had forged two cheques. Before the magistrates, the defence counsel spoke at some length about an alleged negotiation between the parties. Parker retorted that he had never considered compounding the matter, and specifically denied 'having said that unless

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<sup>118</sup> L.T., 16/7/36, p.4.

<sup>119</sup> L.T., 24/12/36, p.4.

<sup>120</sup> L.D.N., 6/1/82, no page.

the prisoner's sons would guarantee the repayment of the money in three, four, or five years he would be obliged to prosecute.' The magistrates, however, were far from convinced, with Justice Ellershaw requesting (unsuccessfully) that the case be dismissed.<sup>121</sup> Compounding was clearly perilous for both parties, yet these examples demonstrate the agency which victims enjoyed in settling criminal encounters, and the way in which the law was selectively called upon in conjunction with other processes of resolution.

To many victims, prosecuting offenders was of secondary priority to the recovery of stolen property, which in itself was sometimes enough to resolve criminal encounters.<sup>122</sup> In 1845, James Parker charged two men with violently robbing him of some cash and his watch. 'Notwithstanding this', according to the *Leeds Times*, 'Parker intimated to the bench, that he had no wish to prosecute, if he could only recover the watch.' In this case the magistrates seem to have respected Parker's wishes and, to the reporter's surprise, dismissed the charge of robbery altogether.<sup>123</sup> The justices, however, were not always so accommodating. In 1882, a foreman decorator named John William Chorley gave Annie Ackroyd into police custody for stealing his gold pin, but later told the arresting officer he did not wish to prosecute. When threatened with a warrant Chorley remained obstinate, and had to be compelled to appear. He later apologised for inconveniencing the court, yet told Mr Bruce (the stipendiary magistrate) that he had found the pin lying in the gutter on the night of the robbery, and so did not see the necessity of coming to court. The magistrate, predictably, saw things rather differently: 'Mr. [sic] Bruce said it was a gross act of injustice, on the part of Chorley, after finding the pin, not to come to the court and say so,

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<sup>121</sup> L.D.N., 8/7/86, no page.

<sup>122</sup> This was even true of some A.P.F. members in an earlier epoch: King, 'Prosecution Associations', p.204.

<sup>123</sup> The defendants were each fined for assault: L.T., 21/6/45, p.4.

in order that the woman might be released.'<sup>124</sup> The criminal justice system was left to take its course, almost as an irrelevance; for men like Chorley, it was the property that mattered.

While compounding had its virtues, many victims preferred to resolve matters more swiftly, through summary violence. Contemporaries were prone to attribute such a disposition to 'rough' sections of society: in 1837, the *Leeds Times* remarked that fighting 'seems to be the popular way amongst a certain class of the Irish who visit or settle in the town, of settling their disputes and avenging their wrongs.'<sup>125</sup> Historians of violence, however, have demonstrated that its use in negotiating everyday social encounters was widespread.<sup>126</sup> The ritual of the fair fight lived on long into this period, and was commonly adapted in working-class communities to settle all manner of disputes between men.<sup>127</sup> Such customs, John Carter Wood has argued, were the means by which working-class communities sought to police themselves, to the exclusion of state forms of surveillance and control.<sup>128</sup> While rightly stressing working-class aversion to intrusive authority, Carter Wood perhaps draws too rigid a line between violence and the law as forms of regulation and dispute resolution. Those metropolitan communities with the most elaborate self-policing apparatus – and most hostile to external discipline – simultaneously made extensive use of the courts to prosecute their peers and neighbours.<sup>129</sup> Violence thus presented an attractive and accessible means of settling criminal encounters, and not only to a 'rough' sub-section of the working class contemptuous of the courts.

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<sup>124</sup> L.D.N., 19/1/82, no page.

<sup>125</sup> L.T., 2/9/37, p.4.

<sup>126</sup> See Shani D'Cruze, 'Introduction: Unguarded Passions: Violence, History and the Everyday' in Shani D'Cruze (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class*, Harlow: Pearson Education, 2000, pp.11-14; Woods, 'Community Violence', pp.175-77.

<sup>127</sup> See Carter Wood, *Violence and Crime*, chapter four.

<sup>128</sup> Carter Wood, 'Self-Policing', pp.114-17.

<sup>129</sup> Davis, 'Poor Man's System of Justice', pp.319-320; Davis, 'From "Rookeries" to "Communities"', pp.71-72.

Ritualised forms of violence were deployed against nineteenth-century criminals, often in the workplace. While the most well-researched, the fair fight was only one such violent custom. In particular, dunking rituals were commonly used as a summary punishment for thieves.<sup>130</sup> Some thought that this practice was already in decline before the arrival of the new police: by the late 1820s, West Riding magistrate Benjamin Dealtrey recollected how, 'in former days persons were taken and pumped upon [half-drowned], or something of that sort'.<sup>131</sup> While one rarely finds evidence of such practices, the occasional newspaper report demonstrates that such informal settlements persisted for some time. In 1837, two millworkers were appointed to watch the premises for whoever was stealing the men's provisions. One afternoon, they caught gigger James Dent secreting bread behind some machinery, yet instead of bringing him before their employers, 'he was stopped and asked whether he would go before the magistrates, or have a good ducking in the water.' Choosing the former, Dent was given into police custody, and accordingly brought before the magistrates.<sup>132</sup> Not only does this case indicate the survival of customary, violent settlements in cases of workplace theft in the early nineteenth century, it also signals the flexibility of crime resolution. Summary violence and criminal prosecution were both recognised and accepted modes of settling criminal encounters in this period.

Most violent responses to victimisation, however, were less clearly ritualised. While loosely informed by customary fighting practices, violent conflict resolution was largely ad-hoc, scrappy and improvised.<sup>133</sup> It was also more socially inclusive than the current literature – fixated with working-class violence – might lead us to expect. In 1845, for

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<sup>130</sup> See also Carter Wood, *Violence and Crime*, pp.49-52.

<sup>131</sup> 'Select Committee on Criminal Commitments and Convictions', p.72. I owe the definition of 'pumped upon' to Philips, *Crime and Authority*, p.129.

<sup>132</sup> L.T., 22/4/37, p.4.

<sup>133</sup> See also Carter Wood, *Violence and Crime*, pp.87-90, on the destabilisation of the fair fight ritual from the 1860s.

example, Manasseh Flatlow was charged with a serious assault upon a young lad at the Woodhouse Feast. Annoyed at repeated attacks upon his temperance booth, he rushed over to a nearby young man and struck him several times with a hammer. Despite the severity of the assault, and the boy's apparent innocence, the parties were allowed to settle the matter between themselves, and the charge was dropped upon the defendant paying a sovereign in compensation.<sup>134</sup> Thirty years, cattle dealer Wilson Webster was arrested after punching Constable Orme, who had come to break up a fight at a beer house. As his defence attorney explained, Webster had been robbed of some £40; singling out a nearby man he suspected of the theft, they stripped to fight, with Orme caught in the ensuing melee.<sup>135</sup> Given the persistent, partial legitimacy of violence at all levels of nineteenth-century society,<sup>136</sup> it is no surprise that aggressive responses to crime were not confined to working-class communities.

Violence was a versatile means of settling criminal matters. For men in particular, it was a readily accessible mode of resolving conflicts without the hassle and expense of going to the law. It could take a variety of forms, negotiating disputes between friends and family or with strangers. Furthermore, violent resolutions could take effect immediately, at the scene of the crime, as when William Jenkins seized Samuel Skelton and threw him down on the floor of a Headingley tramcar in 1875, on suspicion of stealing his watch.<sup>137</sup> The use of violence also offered a means of dealing independently with offenders, without involving the police. When Enoch Walker was assaulted on his way home from a cricket game in 1885, he first went in search of a policeman, yet upon meeting one of his attackers

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<sup>134</sup> L.T., 4/10/45, p.4.

<sup>135</sup> L.T., 5/6/75, p.5.

<sup>136</sup> See especially Emsley, *Hard Men*, passim.

<sup>137</sup> L.T., 19/6/75, p.5.

in the street, returned with a stick to dispense his own punishment.<sup>138</sup> Yet again, we see here the overlap between 'official' and 'unofficial' responses to crime in this period.

Perhaps because of the ease of summary chastisement, juveniles were regularly spared criminal proceedings in the nineteenth century. Those who grew up in the late nineteenth century often recalled near misses with the law, and the firm treatment they received instead. As a Salford lad, Joseph Toole and some other boys started stealing chocolates from a van which regularly pulled up outside a local sweet shop. When Toole's turn came to snatch the treats, however, he was surprised and caught by the driver, who immediately charged him with having been 'at this game for weeks'. Despite being caught red-handed, Toole was not brought before the magistrates:

[f]ortunately, my punishment consisted only of a sound thrashing from the driver...I tender my thanks to that man, wherever he may be, for his leniency. My [subsequent] experience as a magistrate has taught me that it's the first offence badly handled by "beaks" and stipendiary magistrates which is often the turning point in a career.<sup>139</sup>

Similarly, when a young George Ratcliffe and his friend went to bathe in a farmer's stream somewhere near Leeds, they knew themselves to be trespassing; they were caught and spanked by the landowner, who angrily promised to land them both in prison. However, he calmed down after discussing the incident with his wife, and let the two boys off on their promising not to return to the spot in future.<sup>140</sup>

Moreover, mercy was sometimes extended to child thieves apparently without any violent intervention. In 1845, when stallholder Thomas Roberts prosecuted 10-year old George Stead for theft, he stated to the court that, 'he had himself twice before caught him

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<sup>138</sup> L.T., 1/8/85, p.3.

<sup>139</sup> Toole, *Fighting through Life*, pp.21-22.

<sup>140</sup> Ratcliffe, *Sixty Years of It*, p.10.

stealing articles from his stall, and forgiven him.’<sup>141</sup> Nine years previously, a youthful Eliza Webster was brought up on three counts of obtaining money by false pretences, only to be discharged, after all her victims declined to prosecute.<sup>142</sup> The paltry value of the goods in question in many such cases may often have been a major consideration. Why take the trouble, after all, of attending the magistrates’ court over a piece of cheese, or a few currants?<sup>143</sup> Yet the youthfulness of the offenders themselves was probably also decisive. Peter King has suggested that there was a marked decline in tolerance for young offenders in the early nineteenth century which, coupled with the erosion of traditional customary sanctions, fuelled a sustained rise in the prosecution rate.<sup>144</sup> These examples, however, combined with autobiographical testimony from the late nineteenth century, illustrate that juvenile criminals were still granted special consideration by victims after the 1830s.

Looser violent settlements clearly enjoyed a longer and fuller life than rough music, and we have seen that aggressive responses persisted into the 1880s. The sources do not permit any quantitative assessment of these practices. Much scholarship, however, has emphasised the progressive decline in violent conduct in general in the nineteenth century.<sup>145</sup> Carter Wood has gone rather further, arguing (with substantial qualifications) that the formal criminal justice process *displaced* violent settlements in the second half of the nineteenth century: ‘over time, there was an increasing acceptance of using courts for the settlement of disputes’.<sup>146</sup> There is much to recommend such an argument, for all sections of society were minded to go to court; yet a couple of reservations must be

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<sup>141</sup> L.T., 6/12/45, p.5.

<sup>142</sup> L.T., 23/7/36, p.4.

<sup>143</sup> L.T., 20/2/36, no page, 7/5/36, no page.

<sup>144</sup> King and Noel, ‘Juvenile Prosecutions’, pp.29-34; King, ‘Rise of Juvenile Delinquency’, pp.106-110.

<sup>145</sup> On the statistics, see Gatrell, ‘Decline of Theft and Violence’, pp.290-93. On changing attitudes towards violent conduct, see especially Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*, Cambridge: Cambridge University Press, 2004; Carter Wood, *Violence and Crime*.

<sup>146</sup> Carter Wood, *Violence and Crime*, p.56.



registered. Firstly, as we have repeatedly seen, legal and violent settlements were not incompatible strategies for dealing with criminal encounters; both were used by the same sorts of people, sometimes in the very same cases. Secondly, relying on general trends in violent crime risks conflating the use of violence in different contexts. Protective violence, especially when used to shelter women from unwelcome male attention, may not have undergone the same de-legitimising process over this period, at least judging from journalistic evaluations (see above, chapter five). We therefore cannot assume that summary acts of violence, directed against offenders, became progressively rarer over the course of the nineteenth century.

### **Victims, Prosecutors and Criminal Justice**

The victim's discretion in resolving criminal encounters often conflicted with the priorities of state criminal justice. The failure of victims of crime to act automatically as prosecutors bred a certain suspicion and cynicism amongst those superintending the criminal justice system. This sentiment was apparent in evidence presented to the Select Committee on Public Prosecutors in the mid-1850s, where witnesses spoke disapprovingly of victims derailing prosecutions by settling cases out of court.<sup>147</sup> Lord Brougham determined that he would not, under a system of public prosecution, require the consent of the victim to initiate an action, as 'the aggrieved party might refuse, not only from motives of delicacy and of personal feeling, and dislike, to bring forward [a prosecution], but from sordid motives,

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<sup>147</sup> See also Rock, 'Prosecutors and the State', pp.331-354.

either of fear or of money.’<sup>148</sup> The stipendiary magistrate for Manchester and Salford similarly protested that prosecutors often allowed convenience to trump the necessities of justice.<sup>149</sup> For those intimately connected with the criminal justice system, the victim often appeared a barrier to the proper enforcement of the law.

Criticisms were not just levelled at working-class prosecutors; the apparently self-centred fixation of better-off victims on retrieving stolen property before the abstract demands of the penal system was a further irritation. As well as frequent complaints of ‘collusive compromises’,<sup>150</sup> witnesses before the Select Committee on Dog Stealing in the 1840s attacked those who advertised rewards for the return of stolen property. Such notices, as Inspector Shackell of the Metropolitan Police noted, were motivated by the personal attachment of well-off dog-owners to their pets: ‘sometimes they say they would rather almost give anything than lose the dog’.<sup>151</sup> Yet this bond between owner and hound, as several witnesses noted, acted contrary to the ends of justice. Commissioner Mayne argued that the most likely way to stamp out dog theft ‘would be, by making it penal to take a reward, and also penal to give a reward, and also penal to advertise a reward for the restoration of a dog when stolen.’<sup>152</sup> Asked if this would not make it impossible for someone to trace a lost dog, Mayne stood his ground: ‘[s]ome evil of that kind would arise; but I think the present system corrupt, because, although it enables parties to recover dogs much more readily than they otherwise might, it at the same time has the effect of inducing parties to steal dogs in order to get the reward.’<sup>153</sup> Other witnesses stressed that the cunning victim’s potential to subvert the criminal justice process knew few bounds. John Hardwick

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<sup>148</sup> ‘Select Committee on Public Prosecutors’, p.12.

<sup>149</sup> Cited above, p.281.

<sup>150</sup> ‘Select Committee on Public Prosecutors’, p.158.

<sup>151</sup> ‘Select Committee on Dog Stealing’, p.16.

<sup>152</sup> ‘Select Committee on Dog Stealing’, p.5.

<sup>153</sup> ‘Select Committee on Dog Stealing’, p.5.

(magistrate) was sceptical that prohibiting rewards would do much to check the practice: 'I should be inclined to think that parties anxious to recover the property would, under circumstances where the dog was positively stolen, dilute it, and treat it merely as accidentally lost property; he would be then in a situation as such to offer a reward, without incurring any penalties'<sup>154</sup> The wealthy victim then, as well as the poor prosecutor, threatened to undermine the criminal justice process.

The hesitancy of victims to prosecute, and their willingness to settle independently, were well understood – and resented – by those connected with the administration of criminal justice in this period. By failing to take up the law in a mechanical fashion, victims prejudiced the certainty with which punishment followed crime. Their failure to play by the rules was anathema to the liberal ideology of criminal justice which fired much reformist activity in the early nineteenth century, and which formed a key constituent of police thinking in the Victorian era.<sup>155</sup> Attacks on the pernicious discretion of victims focused primarily on the need to appoint public prosecutors.<sup>156</sup> Those ideologues who dreamed of a more uniform and centralised police infrastructure in the early nineteenth century also called for a system of public prosecution, often inspired by the procurators-fiscal of Scotland.<sup>157</sup> Their motive was the elimination of seemingly arbitrary discretion in the hands of ordinary people; after all, preventative policing and regular punishments made little sense if victims of crime retained the ability to upset the certain application of justice. This problem was much discussed into the mid-nineteenth century. According to one observer:

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<sup>154</sup> 'Select Committee on Dog Stealing', p.12.

<sup>155</sup> See Leon Radzinowicz, *Ideology and Crime: a Study of Crime in its Social and Historical Context*, London: Heinemann Educational Books, 1966, chapter one; Wiener, *Reconstructing the Criminal*, chapters 1-3.

<sup>156</sup> Although opposition to police prosecution independently fed demands for public prosecutors after 1829: see Hay and Snyder, 'Using the Criminal Law', pp.40-43.

<sup>157</sup> Hay and Snyder, 'Using the Criminal Law', p.32, cites the enthusiasm of Bentham, Chadwick, Colquhoun and Peel, amongst others.

‘of all the defects in our system of criminal law the worst is the uncertainty of punishment, arising from a variety of causes...Among these evils, tending to encourage crime, is the extreme reluctance, especially in the country, to bring offenders to justice.’<sup>158</sup> Repeated efforts to establish a public system of prosecution testify to continued resentment regarding lay participation in the criminal justice process, and the dream of the state seizing control over criminal encounters from ordinary people.<sup>159</sup>

The extent to which control over prosecutions shifted in practice from civilians to the state rested upon the activity of the new police. Police authorities of one kind or another had long assumed the task of prosecuting political transgressions, such as treason or riot, and ‘victimless’ offences like drunkenness and vagrancy. Over the course of the nineteenth century, the new police considerably enlarged such forms of legal discipline. What is of particular interest, however, is how far the police *compelled* victims to assist in theft prosecutions. From their formation in Leeds, the new police pressed victims to engage with the law. The magistrates, though, also had a part to play in this process. In 1836, a Briggate linen draper named Sugden brought his assistant to court on a charge of embezzlement. According to the *Leeds Times* he attempted, unsuccessfully, to drop the charge: ‘Mr. [sic] Sugden expressed a wish to withdraw the prosecution, on account of his knowledge of the young man’s friends. – Mr. [sic] Lupton [magistrate] observed that in doing so he did not think Mr. [sic] Sugden was discharging his duty to society. After some consideration on the part of the prosecutor, his depositions were taken...’<sup>160</sup>

The enlargement of the police only intensified this process. This is not to say that they routinely compelled victims to come to court; as we have seen, many prosecutors

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<sup>158</sup> Anon., ‘Growth of Crime’, p.137.

<sup>159</sup> Hay and Snyder, ‘Using the Criminal Law’, p.37; Rock, ‘Prosecutors and the State’, pp.336-37.

<sup>160</sup> L.T., 26/11/36, p.5.

failed to appear. Furthermore, there remained late into the nineteenth century evidence of negotiation between victims and policemen over the resolution of criminal encounters. In 1881, John Bottomley was arrested for drunkenness and assaulting a police officer, after a row with a woman; he and another man had taken a pie from her shop without paying for it, yet according to the *Leeds Daily News*, '[t]he woman did not wish them to be arrested, so the officer merely ordered them off'.<sup>161</sup> Against such cases as this, however, must be weighed those many reluctant witnesses who came to court as a result of police intervention. The growth of the police presence made it increasingly difficult for victims to retain discretion over the settlement of criminal encounters which occurred in the streets. In 1875, boot finisher William Henry Topham was robbed by two men; he cried 'Murder' and chased after them, eventually positively identifying the men before the arresting policeman. By the time he arrived in court, however, he had evidently had a change of heart, and claimed to be unsure of the men's identities. The magistrates were unimpressed but, significantly, still considered themselves powerless to press the matter: '[t]he magistrates told the prosecutor that they fully believed he had committed perjury, but under the circumstances they discharged the prisoners.'<sup>162</sup> By the 1880s, one finds very personal cases of assault arriving at court due in large part to enhanced police control over victims.<sup>163</sup> In 1882, Sarah Scaife supported a charge of assault against her son Robert, yet claimed that '[s]he would not have given him in charge but a policeman pressed her to do so.'<sup>164</sup> The presence of the police thus made a real difference to the rigor of the prosecutorial system; while it remained difficult to coerce victims into supporting charges, the police certainly applied increased pressure to this end.

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<sup>161</sup> L.D.N., 19/2/81, no page.

<sup>162</sup> L.T., 3/7/75, p.3.

<sup>163</sup> See also Mellearts, 'Criminal Justice in Provincial England', pp.25-26.

<sup>164</sup> L.D.N., 18/3/82, no page.

One consequence of the police presence was that negotiation over criminal encounters moved to an earlier stage in the criminal justice process. While negotiations with magistrates are most accessible to the historian, there are signs that victims, after 1836, quickly realised that abandoning criminal proceedings was easiest on the street itself, at the *point of apprehension*. One night in 1837, policeman Mundell saw a man chasing two women near Marsh Lane, who stopped to inform him that they had picked his pocket. Mundell set off in pursuit, and succeeded in apprehending a prostitute named Margaret Rutherford, yet the victim had disappeared: '[i]nstead of the man following up the pursuit, he took another direction, and as he did not appear against the prisoner she was discharged.'<sup>165</sup> Another case that year shows even more clearly how the police presence could jeopardise negotiations between victims and criminals. George Peacock accompanied a woman by the name of Oulds to a brothel near St James's Church, where he was robbed of some money. According to the *Leeds Times*, Oulds refused to return the cash, and so Peacock went and procured the assistance of the police. Yet on the constable arriving, Oulds offered her victim ten shillings, and winked, 'which was understood by the watchman, and he refused to allow him [Peacock] to take the money. Peacock then wanted to withdraw his charge, as he had some prospect of recovering his money, and the watchman then told him that he might consider himself a prisoner too'. Having lost control over the encounter, and put himself in a dubious position, Peacock made off, knocking down another policeman en route, for which he was eventually fined forty shillings. The newspaper saw the tale as one of moral instruction, heading its report 'FOLLY AND ITS REWARD.'<sup>166</sup> For present purposes, however, it shows the difficulty of compounding

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<sup>165</sup> L.T., 21/10/37, p.4.

<sup>166</sup> L.T., 2/9/37, p.4.

offences under police surveillance; as soon as a policeman became involved in a criminal encounter, the victim's discretion narrowed considerably.

## Conclusion

The early nineteenth century witnessed the erosion of victim control over criminal encounters in various contexts. Decisions to overlook offences or settle thefts by private compromises came under attack from a more systematic enforcement of the criminal law. Yet if the dynamic of criminal encounters was changing, confining the victim's autonomy and agency, this chapter has made clear the limits of this process. The refusal of victims to resort mechanically to the criminal law remained problematic for the authorities throughout the nineteenth century. By its close, the Home Office was somewhat undecided as to whether, given the prodigious growth of the police nationwide, victims remained an obstacle to justice. One year, Charles Troup struck an optimistic tone: 'there seems no reason to suppose that there is any growing reluctance on the part of private persons to prosecute; and, even if the existence of such a tendency be assumed, it is probable that the increased activity of the police is a weighty counterbalance.'<sup>167</sup> Yet just two years later he was not so sure: '[t]he idea of vindicating the law and executing justice prevails less: the idea of treating offenders mercifully and giving them another chance prevails more.'<sup>168</sup> Mercy was problematic for the state, and its persistence throughout this period proved a constant headache for those at the heart of the criminal justice system.

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<sup>167</sup> 'Judicial Statistics' (1898), p.13.

<sup>168</sup> 'Judicial Statistics' (1900), p.25.

This chapter has focused primarily on the victim's agency and decision-making, in choosing how to settle their own criminal encounters. As such, it demonstrates that criminal justice was by no means 'victim-free' in this period, governed overwhelmingly by police officers.<sup>169</sup> It is also insensitive, however, to characterise nineteenth-century criminal justice as essentially the continuation of an earlier, highly discretionary system.<sup>170</sup> While many characteristics of the eighteenth-century prosecutorial process lived on, this was clearly a dynamic period in the history of prosecution. As the police presence became more pervasive, victims struggled to maintain control over the settlement of crimes. Mothers were coerced into prosecuting their sons, negotiations were forestalled, and victims were summonsed to appear before magistrates. Yet in spite of such interference, ordinary people still retained *qualified* control over their criminal encounters. As witnesses, they remained central to the process of prosecution, and could not be superseded by the authorities even in cases of felony. The rise of 'police prosecution' was a gradual process, far from complete by 1890; the balance of power still rested on the circumstances of individual cases, and crucially the initiative of victims of crime themselves.

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<sup>169</sup> For such a characterisation, see Smith, 'Myth of Private Prosecution', p.166.

<sup>170</sup> This is Andrew Barrett's argument: 'Criminal Justice in Cheshire', pp.281-82.



### **Conclusion: Re-evaluating the Nineteenth-Century Police Settlement**

This thesis has taken a broad view of the governance of crime in nineteenth-century Leeds, shifting from an analysis of police operations to a survey of civilian crime control. It has explored the ‘criminal encounter’, highlighting victims’ agency and discretion. While some room for manoeuvre might be expected in cases of assault, where the legal constraints upon victims were less exacting, this study has dwelt for the most part on civilian freedoms and inputs in the response to felony, especially property crimes. Each society settles upon a particular configuration of state and civil initiative in dealing with crime – its own unique ‘police settlement’. In the eighteenth century, despite the existence of police forces of various kinds, the victim was a key participant in the governance of crime, and the formal punishments of state criminal justice were liberally supplemented by a host of informal sanctions. The nineteenth century certainly played host to a more systematic mode of crime control, yet this thesis has shown that everyday reality corresponded only loosely to the idea of the ‘policed society’ which structures much of the historiography. Police coverage and control was patchy and piecemeal, hence civilian activity – both organised and ad-hoc – remained a core component of the nineteenth-century police settlement. There is insufficient space here, however, for an extended analysis of changing mechanisms of crime control over the *longue durée*; what follows remains decidedly focused instead on the nineteenth century, making sense of what the foregoing chapters yield as a collection, reassessing the nature of the nineteenth-century police settlement, and coming to some evaluation of it.

The nineteenth century witnessed a profound transformation in the police establishment. In places like Leeds, the growth of police capability and resources – fuelled by a new, critical and self-sustaining mentality of police governance – dates from the period immediately following the Napoleonic Wars. The traditional distinction between ‘old’ and ‘new’ police is therefore of little use in chronicling this process. Instead, the 1820s stand out as a key decade of expansion, in which the first signs emerge of a disciplinary regime characteristic of the police presence in modern contexts. Offences of poverty, disorder and moral transgression stand out as the prime objects of the night watch by 1830, whose basic approach to street control was inherited by successive generations of police personnel into the twentieth century.

While the birth of the new police brought a brief burst of heightened control, the early years of the force came quickly to resemble an age of minimalism. The 1840s in particular saw a mild dilution of reformist fervour in police governance. Continuities in leadership (under Chief Constable Read and Inspector James, excepting Heywood’s brief tenure at the head of the force) may have played their part in this, yet the chief influence was the concern to control costs under the new system. This led to sharp cuts in manpower which were not unparalleled elsewhere,<sup>1</sup> despite the prevalence of political unrest in the ‘Hungry Forties’. Persistent criticism of the new police in municipal politics and the press perhaps further inhibited the force by undermining its legitimacy. Contemporaries, however, found it difficult to distinguish the restraint of an emasculated police from the flowering of social harmony: the *Leeds Times* refused to accept that the police was deficient

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<sup>1</sup> One historian has described the 30 per cent reduction in police manpower in Lancashire in 1842 as ‘an uncharacteristic aberration’ in its expansionary history, yet evidence from Leeds may present one aberration too many: Lowe, ‘Lancashire Constabulary’, pp.42-43.

in manpower by 1855, citing a clean charge book for half of the previous week.<sup>2</sup> Nowadays, we are better prepared for such sleights of hand.

The re-ignition of ambition and reform in police organisation came with further central oversight and funding. In this respect, the 1856 County and Borough Police Act was more significant than many have realised. Opening the Treasury's coffers not only eased the burden on the rates, but also allowed the inspectors of constabulary to cultivate further reforming initiative, and led directly to the establishment of a unified police for Leeds and its out-townships. While the inspectors enjoyed few outright victories, they quietly maintained new minimum standards in manpower and wages.<sup>3</sup> Periodic changes in leadership after Read's departure also enhanced internal openness to change. Such greater scrutiny helped to ameliorate working conditions in the force – which contributed to reduced personnel turnover from the 1860s – as well as to improve practices of administration and record-keeping. Thanks finally to a generally impressive expansion of manpower, the Leeds Police was, by the 1880s, a far more formidable institution than it had been a generation previously.

Amidst this chequered and complex institutional development, the police made its most tangible impact on the streets. In combating theft, as several historians have pointed out, the police role should not be overstated. While the deterrent impact of preventative policing in theory might be considerable, the lack of adequate, disciplined and knowledgeable men limited its effect in practice. Of course, the police presence – from night watchmen to uniformed Bobbies – made it more difficult for thieves to commit depredations, while known offenders were subjected to an increasingly oppressive regime of surveillance by the late nineteenth century. Yet such considerations have to be weighed

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<sup>2</sup> L.T., 7/4/55, p.3.

<sup>3</sup> See more broadly Davis, 'Central Government', pp.265-66.

against a host of others: rapid urbanisation, retail expansion and the insecurity of property all presented the urban thief with considerable opportunity in this period. Furthermore, the anonymity of most offenders in police eyes posed a constant difficulty; even had new recruits to the force served for long enough to become familiar with the prolific offenders, this would have helped detect only a minority of crimes.

By contrast, police action had a considerable impact upon the condition of the streets and the conduct of those who used them. It was with such classes of crime – drunkenness, vagrancy, the violation of municipal bye-laws or dog muzzling orders – that the police were most commonly concerned from 1815 onwards. By its very nature, beat policing attended most fully to excessive and ‘deviant’ uses of public space. This is not to say that policing successfully reformed boisterous street culture, or was even the chief motor of such change as did occur; it was in this context, however, that urban policing was most commonly experienced (above all by the working class). In 1880, one was more than twice as likely to be arrested for an offence in class six (‘other offences’) than for any violation of person, property or crown. The petty reality of police discipline understandably gave rise to complaints that officers should be catching thieves rather than chasing drunks, stray dogs, or children at play. For years it would sustain the critical reflections of working-class autobiographers like Joseph Toole, who recollected the following of street life in late nineteenth-century Salford:

If we played games, we played them in the street, or on a “croft,” always in danger of the police, who seemed to have little else to do but chase poor lads playing innocent games, summon them to attend the local police-court, and get their already too poor parents fined two shillings and sixpence.<sup>4</sup>

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<sup>4</sup> Toole, *Fighting through Life*, p.5.

It was over these offences – which were primarily *street* offences – which the new police exercised fullest control. Notwithstanding the potential legal complications of prosecuting beggars or prostitutes, such types were easier to discipline both on the street and through the courts than the thief or assailant, whose victim had also to play their part. Put simply, there were very few routes to court for the drunkard or vagrant which were not dominated by the police constable.<sup>5</sup> There is, of course, evidence that charitable and municipal bodies began to take an increasing role in the prosecution of various ‘regulatory’ offences from the 1880s.<sup>6</sup> On a broader level, such success as the new police experienced in their campaign to contain popular culture was underpinned to some extent by the gradual, ‘organic’ debilitation of more raucous recreational habits. Nonetheless, as a deliberate object of governance, street offences remained principally the province of the police.

Responding to property crime, however, as much of this thesis has laboured to show, was not simply a duty for the police. What emerges clearly from the foregoing discussion is that ordinary people remained active in crime control after the foundation of the new police. In fact, limits to the police suppression of property crime opened up room for civilians to contribute. With regard to many of these practices, the Leeds sources present no adequate guide to their changing incidence over time; while there is cause to suspect that victims and bystanders apprehended fewer criminals as the police expanded, constables were still sometimes absent when needed in the 1880s, and so others continued to fill the gap. Moreover, the expanding market in security commodities – including improved locks and safes – progressively enhanced the capacity of civilians to help prevent crime.

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<sup>5</sup> Williams, ‘Counting Crimes’, p.83.

<sup>6</sup> Much of this concerned enforcing the Elementary Education Acts: Godfrey, ‘Changing Prosecution Practices’, pp.183-85.

Ordinary people displayed considerable autonomy too in the resolution of criminal encounters. In cases of theft, and especially assault, the victim remained crucial to securing a conviction, despite increasing police authority to arrest on suspicion. Allowing expenses to prosecutors and witnesses gradually made the courts more accessible, as did the extension of summary jurisdiction over theft. Yet there remained imposing obstacles for labouring prosecutors in particular, and in a variety of personal contexts victims often preferred to overlook an offence or settle in private. More broadly, the Whiggish ideology of private prosecution cast a long shadow over nineteenth-century criminal justice, making those who presided over the system reluctant to throw open the courts and the public purse to anyone with a complaint. The growth of the police establishment undoubtedly limited the victim's discretionary control, yet this was more a shift in emphasis than a watershed; although the new police probably coerced and cajoled many victims into attending court, there are also signs that new realms of private tolerance and informal sanction flourished by the turn of the century.

Much lay participation was sustained in part by conscious efforts to cultivate civilian activity, both by press and police. In particular, the authorities sought to foster a 'preventative mentality' in the civilian public, reflecting their growing appreciation of the limits of 'official' police efforts to suppress property crime. Students of contemporary criminal justice will recognise this governmental strategy, yet it rather undercuts conventional interpretations of nineteenth-century policing, and even those of critics who argue that the new police assumed merely a symbolic monopoly over crime control.<sup>7</sup> In fact, local newspapers maintained a vital function in providing criminal intelligence and offering practical advice to readers on dealing with crime. Furthermore, the police practice

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<sup>7</sup> Zedner, 'Before and After the Police', pp.81-82.

of calling up householders who left their properties insecure served as a constant reminder not only of the risk of victimisation, but also of the prescribed means for keeping burglars at bay. In print and in practice, therefore, ordinary people were regularly reminded of the criminal threat, and of their own duty to counter it. Journalists and policemen were on the front line of an effort to demarcate afresh the bounds of responsibility for crime control in the Victorian city.

While it is difficult to recover how ordinary people responded to these messages, the broader cultural context of the period supported autonomous activity in various walks of life. The salience of 'self-help' for middling sections of society – and those working people intent on improving their lot – meshed neatly with appeals for householder initiative and responsibility in crime prevention. More broadly, the great attachment to voluntarism which persisted in this period created a favourable environment for the reception of ideas of public duty in prosecution and law-enforcement.<sup>8</sup> Further down the social hierarchy, historians have explicated working-class notions of independence which were hostile to the intervention of authority. Such ideas, as John Carter Wood has argued, fed directly into opposition to the police presence, but also fuelled communal aspirations to preside over their own conflicts and settle their own grievances.<sup>9</sup> The persistence of more direct, assertive aspects of the masculine ideal were perhaps also sufficiently well-rooted in both the middle and working classes to sanction physical confrontations with burglars and street robbers, or to encourage victims to track down their own criminals.<sup>10</sup> Through a variety of discrete cultural norms, therefore, Victorians of various social strata were predisposed to

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<sup>8</sup> On voluntary activity and public duty in the Leeds middle class, see Morris, *Class, Sect and Party*.

<sup>9</sup> Carter Wood, 'Self-Policing', pp.109-128.

<sup>10</sup> Godfrey, 'Civilian Self-Defence', pp.6-7. More broadly, see Emsley, *Hard Men*.

imitate the cautious shopkeeper, protective housekeeper and brave thief-catcher they found celebrated in their newspapers.

Alongside changing ideas of civilian responsibility, the police modified its own self-image over the course of the nineteenth century. The recognition of a greater need to superintend the urban environment, which dates back to the eighteenth century, led by 1815 to the formation of a permanent body to patrol the streets at night. Upon founding the new police in 1836, municipal governors maintained that a unified preventative force would so effectively suppress crime that the cost of the police establishment would diminish over time. This marked the high point of faith in policing, an almost utopian optimism regarding its capacity to reform popular morals which soon ebbed away in the cold light of practical experience. The foundation of the detective department in 1842 was a tacit recognition of the limits of the preventative model, while by the 1860s policing was officially understood as part of a complex apparatus of social control, with councillors complaining that regimes of punishment and education provided inadequate support to constables on their beats. Most strikingly, chief constables at the close of the century recognised the need for ordinary people to take certain precautions (securing homes and offices, avoiding the roughest parts of town) to allow for the limits of police surveillance. The frequent reliance of ordinary constables on public assistance cemented in English police thinking the centrality of 'consent', which in due course would help to foster that mythical conception of the policeman as a 'citizen in uniform'.<sup>11</sup>

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<sup>11</sup> See Clarkson and Richardson, *Police!*, pp.vii-viii; John Peake, 'The Co-Operation between the Police and the Public in the Detection and Prosecution of Crime', *Police Journal* 3 (1930), pp.383-411; Charles Reith, *British Police and the Democratic Ideal*, London: Oxford University Press, 1943, chapters one and two.



This study has shown that crime prevention and detection were integrated into the normal comings and goings of urban life. Assuming low victimisation rates and the state's near-monopoly on resolution, historians have often risked reducing property crime to a freak occurrence, far removed from the normal rhythm of social existence; or rather, while they have stressed that petty *offending* was endemic in the nineteenth-century working class, they have largely failed to think through the implications of widespread petty *victimisation*.<sup>12</sup> Taken together, civilian practices of crime control – locking doors and windows, investing in safes and burglary insurance, marking up property and setting traps for suspected thieves – suggest that dealing with crime formed a significant part of everyday life in the Victorian city. As such, one might analyse civilian agency in the governance of crime in terms of the public's ability to *appropriate* resources of control, drawing variously on the means and authority of the state, market, community and self. In terms provided by Michel de Certeau, the second half of this thesis has explored the 'tactics' of power, the ways in which ordinary people as autonomous agents constructed a palatable, sometimes enjoyable means of negotiating the social world, by reworking the conditions of a given terrain (in this case crime control) defined by hegemonic 'strategies' of power (those of the police, courts, press and private companies).<sup>13</sup> In the response to crime as in other areas of life, ordinary people tried to make their own way in a world governed by particular forms of state power and economic imperative. Writing crime history in terms of an emergent 'policed society' obscures this capacity of lay people to shape their own historical experience, marginalising them as clients of the new police,

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<sup>12</sup> Perhaps especially in the burgeoning history of crime in print culture, which is often premised on the extreme rarity of actual criminal encounters: see Shoemaker, 'Public Knowledge about Crime', pp.1-2; Lemmings, 'Introduction', pp.24-26.

<sup>13</sup> Michel de Certeau, *The Practice of Everyday Life*, trans. Steven Rendall, 1984, Berkeley and Los Angeles, CA: University of California Press, paperback edition 1988, especially pp.35-39.

readers of distorted newspaper reports, or unproblematic victims of crime. By interrogating these categories, however, this thesis has uncovered the dynamic contours of social experience at every turn, recovering civilian subjectivities alongside social control, the choices and freedoms which punctuated everyday life just as much as the repressive strategies of the state.<sup>14</sup>

We must not, though, fall into the trap of assuming that civilian initiative was a 'Good Thing'. It is fashionable nowadays, in the political discourses of consumer and community empowerment, to celebrate operations of power independent of the bureaucratic apparatus of the central state. Academic critiques of this perspective – drawing on the social democratic common sense which characterised the post-war settlement – need no extensive repetition here.<sup>15</sup> Put simply, as the responsibility for crime control is increasingly invested in the public, those with insufficient economic and social capital to take full advantage of market opportunities and 'community' organisation are left disadvantaged in the fight against crime. One might add, however, that growing markets in crime prevention also allow more subtle, pervasive shifts in what are considered appropriate thresholds for 'responsible' self-protection. The discursive construction of crime prevention practices in nineteenth-century newspapers was geared towards creating this kind of preventative mentality, which makes resistance to such consequentialist considerations profoundly uncomfortable. Its progress by 1890 was modest, even amongst the middle class; the full emotional fallout of such programmes of governance would come to fruition only in the twentieth century.

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<sup>14</sup> See Steven Spitzer, 'Security and Control in Capitalist Societies: the Fetishism of Security and the Secret thereof' in John Lowman, Robert J. Menzies and T.S. Palys (eds), *Transcarceration: Essays in the Sociology of Social Control*, Aldershot: Gower, 1987, pp.57-58.

<sup>15</sup> For a concise critique of recent British political discourse see John Clarke, 'New Labour's Citizens: Activated, Empowered, Responsibilised, Abandoned?', *Critical Social Policy* 24 (2005), pp.447-463.

There are though further, less savoury aspects of civilian participation in dealing with crime. We might, of course, be cheered that ordinary folk retained considerable autonomy in this field, to see mercy extended to youths and relations, to find crimes compromised by the payment of a few shillings; when the power to label someone a 'criminal' and hand them over to criminal justice system is not exercised, the natural response of readers sensitive to the disciplinary potential of 'labelling' is to applaud.<sup>16</sup> Yet the omission of labelling is not always positive.<sup>17</sup> For one thing, it can be difficult to distinguish between mercy and powerlessness; one might regret, therefore, that the terrorised and battered wife could not make fuller use of the criminal law, and was afforded minimal police protection.<sup>18</sup> When the inaccessibility of the courts and lack of police concern mounted upon victims in this way, we must take a more nuanced view.

A more pressing problem, for present purposes, is that the freedoms uncovered in this thesis were almost invariably (being implicated in the control of crime) freedoms to exercise power over others. The eagerness of certain victims to catch criminals might help them retain control over their criminal encounters, yet most instances enter the historical record precisely because they instead served to extend the reach of the criminal law. The autonomous efforts of shopkeepers to identify those stealing from the till, or of pawnbrokers to detect the circulation of stolen goods, enlarged those regimes of surveillance and sanction to which petty thieves – recruited predominantly from the ranks

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<sup>16</sup> Historians have commonly celebrated popular initiative in other fields of nineteenth-century social life: see Wiener, 'Unloved State', pp.295-97, 299-307.

<sup>17</sup> For the boldest of arguments as such see Stanley Cohen, 'The Punitive City: Notes on the Dispersal of Social Control', *Contemporary Crises* 3 (1979), pp.339-363.

<sup>18</sup> One might thus be pulled both ways in discussions of state crime control, being indignant at its overbearing surveillance of drunks, and at its absence from the violent home. For some, uncovering the partial extension of criminal justice into the latter sphere verges towards a critique of certain modes of feminist argument: see Martin J. Wiener, 'The Victorian Criminalisation of Men' in Pieter Spierenburg (ed.), *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, Columbus, OH: Ohio State University Press, 1998, pp.197-212.

of the poor – were subject. If the individualising technologies of criminal investigation were best suited to catching a small pool of serious, professional criminals, informing pawnbrokers were instrumental to bringing the common larcenist before the courts.

Such concerns invite a fuller reflection upon the social profile of such crime control practices. To emphasise the patchiness of state control over crime, this thesis has resorted to labels – ‘civilians’, ‘the public’, ‘ordinary people’ – which distinguish certain agents from the police, yet limit any sustained analysis of the social relations of crime control. The Leeds sources preclude any rigorous social breakdown of civilian activities, yet it seems that autonomous preventative and detective responses to crime were most fully the province of the middle class.<sup>19</sup> Those of considerable means had fullest access to the new range of security commodities; those inhabiting detached villas would have found it easiest to secure their dwellings; the detection of property crime perhaps took on additional significance for those routinely involved in trade and business.

Andrew Barrett, who similarly understood the unique position of the propertied classes in responding to crime, was sufficiently impressed to postulate that shopkeepers were not, as various historians have suggested, the foremost cheer-leaders of the new police.<sup>20</sup> Given the frequency with which they made arrests themselves, Barrett argues that retailers were not obvious beneficiaries of police reform.<sup>21</sup> There might well be something to this: certainly, relations between the police and lower middle class were hardly uniformly consensual. However, it is mistaken to consider the relation between activity in crime control and attitudes towards the police in such one-dimensional terms. Moreover, just because shopkeepers retained a stake in law-enforcement, this does not mean that the

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<sup>19</sup> For parallels with the eighteenth century, see King, *Crime, Justice, and Discretion*, pp.356-361.

<sup>20</sup> See Philips, ‘New Engine’, pp.178-79; Jones, ‘New Police’, pp.163, 165.

<sup>21</sup> Barrett, ‘Criminal Justice in Cheshire’, p.146.

police did not serve other useful functions, like forging orderly and sanitised public spaces fertile for relations of consumption and exchange. One might go even further, and argue that much middle-class activity in crime control facilitated identification with the police and the values of respectable society. This was, at least, how the press often framed their reports on such practices, and one should take seriously the possibility that readers found such associations persuasive.

One must, therefore, tread a fine line in evaluating civilian engagement in crime control. A more or less unqualified celebration of persistent (though limited) popular autonomy is the default position of the social historian familiar with the uglier faces of state power.<sup>22</sup> As has become obvious, however, such matters demand a more nuanced history. The freedoms on show in the second half of this thesis were most fully those of the middle class, whose participation in crime control, in several respects, meant an extension of state discipline over their social inferiors, who were most vulnerable to it in the first place. One would be forced to pit these two competing claims against each other, in order to come to an overall appraisal of the nineteenth-century police settlement. We might therefore sympathise with Edward Thompson, who had similar difficulties in concluding his analysis of rough music:

This [custom] sounds folksy and even reassuring. But rough music could also be an excuse for a drunken orgy or for blackmail...I make the point strongly, arguing in a sense with part of myself, for I find much that attracts me in rough music...Because law belongs to people, and it is not alienated, or delegated, it is not thereby made necessarily more "nice" and tolerant, more cosy and folksy. It is only as nice and as tolerant as the prejudices and norms of the folk allow.<sup>23</sup>

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<sup>22</sup> The best formulation (of several) is Gatrell, 'Policeman-State', pp.243-310.

<sup>23</sup> Thompson, 'Rough Music', p.530.

Nevertheless, one can establish a few firm conclusions. This thesis has shown that those who exclude civil society from the history of criminal justice do so at their peril. Even in the mature, industrial city – where one might perhaps least expect to find it – the popular contribution to the prevention, detection and resolution of crime remained impressive. However difficult it is fully to digest the consequences of this Janus-faced settlement, we have seen considerable evidence that, when dealing with criminals, the priorities of victims repeatedly conflicted with those of the state. Relieved that the overbearing and repressive visions of a centralised police did not come to fruition, some historians have credited radical and libertarian opponents with derailing this distasteful project in the political sphere.<sup>24</sup> One would do better, though, to highlight those ordinary people of all social classes, up and down the country, who over the nineteenth century repeatedly absented themselves from the ‘official’ criminal justice process. The ability of the state to assume full control over crime relied then – as it still does – on the willingness of the populace to relinquish its stake in the matter. Despite the additional ideological freight which the crime ‘problem’ came to bear,<sup>25</sup> this process made only limited progress in the nineteenth century. This should remind us that crime will always remain in part a private matter, and the extent to which it becomes the state’s business depends not just on the technical capabilities of the police bureaucracy, but also on our willingness – or otherwise – to surrender what control we have over it.

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<sup>24</sup> See Philips, ‘New Engine’, pp.188-89; Petrow, *Policing Morals*, pp.296-303.

<sup>25</sup> Gatrell, ‘Policeman-State’, pp.248-257.

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